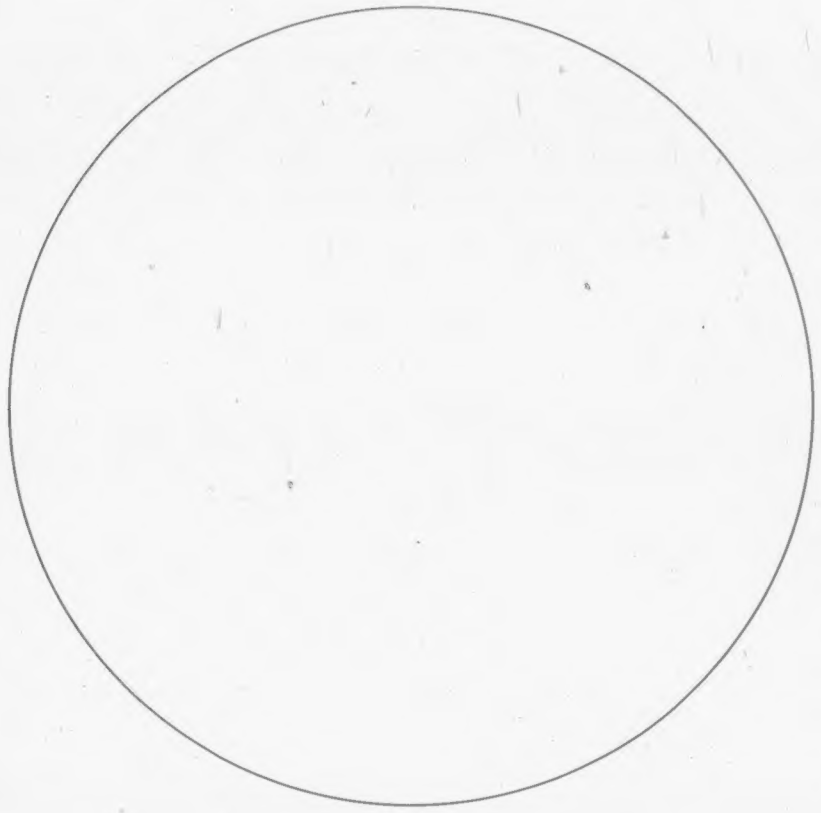
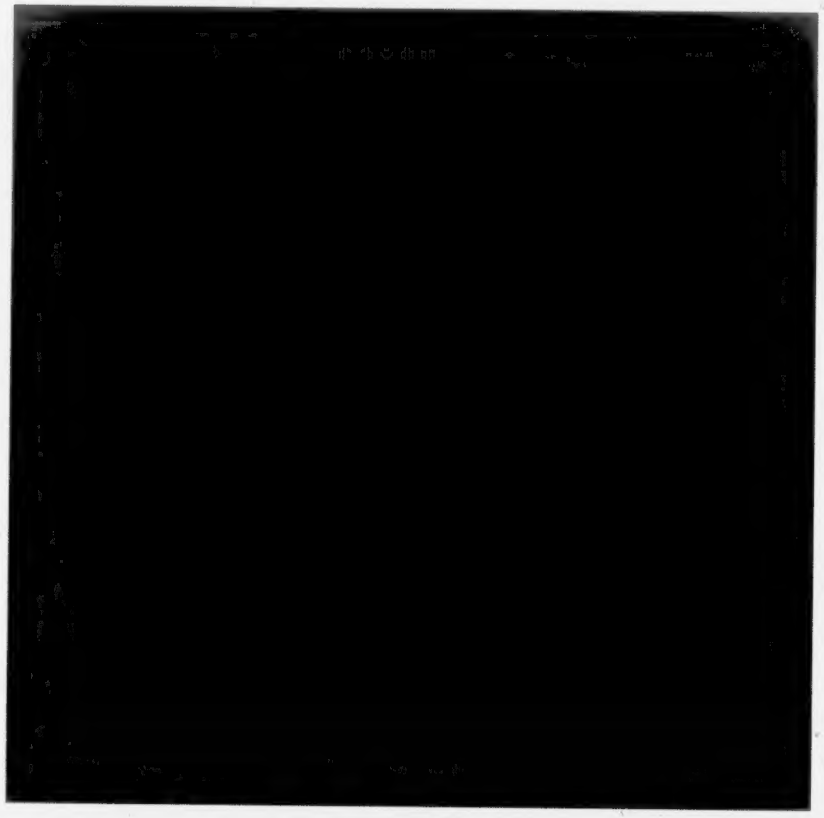


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APPLICATIONS FOR ENROLLMENT OF THE

COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 319

CHEROKEE D1072 - D1134

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 29 1901

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., JANUARY 29th, 1901.

IN THE MATTER OF THE APPLICATION OF NATHAN M. PERRY FOR THE ENROLLMENT OF HOMER JAMES AS A CITIZEN OF THE CHEROKEE NATION, AND SAID PERRY, BEING SWORN AND EXAMINED BY COMMISSIONER, T. B. NEEDLES, TESTIFIED AS FOLLOWS:

Q What is your name? A Nathan M. Perry.
Q How old is Homer James? A Thirty seven.
Q What is his P O address? A Miami.
Q What district does he live in? A Delaware.
Q Is Homer James a recognized citizen of the Cherokee Nation?
A Yes sir.
Q By blood? A Yes sir.
Q Why is he not here himself? A He is an incompetent.
Q He is not able to attend to his business on account of being non compus? A Yes sir.
Q What is his father's name? A William C. James.
Q Is he living? A Yes sir.
Q What is his mother's name? A Almeda James.
Q Is she living? A No sir.

(1896 Roll, Page 1299, #9, Homer James, Asylum Roll, Tahlequah District - 21 years of age - native Cherokee -)
(1894 Roll, Page 411, #1470, Homer James, Delaware Dist)

Com'r. T. B. Needles: The name of Homer James is found upon the census roll of 1896 and upon the pay roll of 1894: It is averred that he is the child of William C. ~~xxx xxxxx xxxxx~~ James, a non citizen, by Almeda James, a Cherokee citizen by blood: His name can not be found upon the authenticated roll of 1880; neither the name of his father or mother: Consequently, final judgment as to the enrollment of said Homer James as a citizen of the Cherokee nation by blood will be suspended and his name will be placed on a doubtful card.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R A Craven

Subscribed and sworn to before me this 29th day of January, 1901.

T B Needles

COMMISSIONER.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
NOV 19 1901

ACTING CHAIRMAN.

COMMISSIONER.

Cherokee D-1078.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 24, 1901.

In the matter of the application of Homer James for enrollment as a Cherokee citizen.

Supplemental testimony on behalf of the applicant.

Appearances:
Nathan M. Perry, representing the applicant;
J. L. Baugh, Cherokee Representative.

Lee B. Smith, being duly sworn by Commissioner Needles, testified as follows:

Q What is your name? A Lee B. Smith.
Q What is your age? A 57 years old.
Q What is your postoffice? A Southwest City, Mo.
Q You a resident of the Cherokee Nation? A Yes, sir.
Q Are you a citizen by blood? A By marriage.
Q You know Homer James? A Yes, sir.
Q Is he an incompetent? A Yes, sir.
Q He hasn't a mind sufficient to attend to his own business?
A No, sir.
Q How long have you known him? A Ever since birth.
Q What was his father's name? A William James.
Q Was he a Cherokee? A No, sir.
Q What was his mother's name? A Hannah A. James.
Q Was she a Cherokee? A Yes, sir.
Q By blood? A Yes, sir.
Q What degree of blood? A About 1/8.
Q Is she living? A She isn't living now.
Q How long has she been dead? A Been dead about 17 years, I think about that time.
Q Was Homer James born in the Cherokee Nation? A Yes, sir.
Q Always lived in the Cherokee Nation? A Always lived in the Cherokee Nation.
Q He would be about 1/16 blood then? A Yes, sir.
Q Well, do you know who his name isn't on the roll of 1880?
A No, sir, I can't account for it, he was there at the time the census was taken. I think they lived on my place.
Q His mother ever go by any other name besides Malinda James?
A No, sir, that was the name by which they called her but her first name was Hannah.
Q What district was she in? A Delaware.
Q Do you know her name before she married James? A Perry.
Mr. Baugh: By what right did Homer James claim to have citizenship?
A By right of blood and by his mother having been admitted to citizenship.
Q When was she admitted to citizenship? A In 1870, I think it was in 1870, when Judge Daniels was Chief Justice of the Supreme Court.
Q Do you know where they were living in 1880, the father and mother of this James? A Of this boy, they were living in Delaware District.
Q How long did they continue to live there? A In Delaware district, she lived there until her death.
Q Did they have any other children besides this one? A None living.
Q Is she any relation of yours? A She is a sister of my wife.
Q Was your wife admitted at the time she was? A Yes, sir.
Q Your wife appears on the roll of 1880?, A Yes, sir.
Q Under what name? A Florence C. Smith.
Q What relation is Homer James' mother to Mr. Perry here? A Sister, full sister.
Q How far did they live from you in 1880? A My recollection is they lived on my place, on a place that I had at that time.
Q And do you know of any reason why their name does not appear upon the roll of 1880? A No, sir, I don't.

NATHAN M. PERRY, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Nathan M. Perry.

Q What relation are you to the mother of Homer James? A She was a sister of mine.

Q Is your name on the roll of 1880? A I think so, I was admitted asmuch; yes, sir, I think so.

Q Have you been listed for enrollment by the Commission? A Yes, sir, in January I think I was before the Commission.

Q Well, your sister's name then in 1880 was James? A Yes, sir.

Commissioner: This testimony will be filed with the original papers in the case, and the testimony will be considered when the case is decided.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 28th of October, 1901.

Commissioner.

-R-

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., November 22, 1901.

In the matter of the application of Homer James for enrollment as a Cherokee citizen.

Supplemental testimony on behalf of applicant;

Appearances:
Applicant not present;
Cherokee representatives present.

LEE B. SMITH, appearing before the Commission and being duly sworn, testified as follows:

Q What is your name? A Lee B. Smith.
Q How old are you? A I am 57.
Q What is your postoffice address? A Southwest City, Mo.
Q You desire to make a statement in regard to the application of Homer James, who is an applicant for enrollment before the Commission as a citizen of the Cherokee Nation? A Yes sir.
Q State it briefly please. A On examining the records here I failed to find his mother's name, she was admitted to citizenship here in 1870, but I find her mother's name on the record as that copy will show there (indicating paper), with her children; Susan Jane Perry and her children, admitted to citizenship in 1870, in December same date, I forget the date there now.
Q Who is the mother of this Himer James? A Hannah A. James, she was formerly Hannah A. Perry.
Q Was she married when her mother was admitted to citizenship?
A No, sir, she was single.
Q Was she single in December, 1870, when her mother was admitted to citizenship? A Yes, she was single then.
Q When was she married to the father of Homer James? A Let me see, I suppose it was in '82 or '3, I would not be right positive, I mean '72 or '73; it was either '72 or .73 if I am not mistaken.
Q How long have you known the applicant's mother? A I have known her for all my life, ever since I can first remember.
Q Is she a relative of youre? A She is a sister of my wife.
Q Well now was your wife admitted to citizenship at the same time that this Susan Jane Perry was? A Yes, about the same date.
Q Was she admitted on a separate application or in this application? A Under a separate application.
Q Was she married to you at that time? A She was married to me at that time.
Q Is she older than the applicant's mother? A She is younger.
Q About how old would ~~Hannah James~~ Hannah James be if she was living to-day? A She would be past fifty, I don't know just how old, but she would be past fifty.
Q Then she had really reached her majority when her mother was admitted? A Yes, she was of age when her mother was admitted,
Q But she wasn't married? A She wasn't married.
Q Is your wife's name on the roll of 1880? A Yes, sir.
Q Have you any idea why the name of Homer James' mother isn't on that roll? A No, sir, I can't tell you, I know her and her husband lived on my farm at the time, and they lived back in the interior part of the farm and probably the census taker didn't find them, I can't account for it any other way.
Q What was her name in 1880? A James, Hannah James.

The 1880 authenticated roll of Cherokee citizens examined, and the name of Hannah James not found thereon.

Q Any other statement you desire to make? A I believe not.

Commission: There is offered in evidence a certified copy of an act of the Cherokee National Council admitting Susan Jane Perry, her husband and children, to citizenship in the Cherokee Nation, on the 12th day of December, 1870. The same is filed herewith.

Commission. This testimony will be filed and made a part of the record in the case of Sidney James, Chickasaw Land No. 24478.

[illegible]

Being by [illegible], duly sworn, says that as stenographer to the commissioner [illegible] correctly recorded the proceedings and testimony in the above entitled cause, and the foregoing is a true and complete transcript of all proceedings had thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 23rd of November, 1901.

M. D. Green
Notary Public.

DEPARTMENT OF THE INTERIOR

R

C. D-1072

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 15,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Homer James for enrollment as a Cherokee citizen.

Appearances:
William C. James, applicant's father;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: This case was set for final hearing by the Commission at its offices in Muskogee, Indian Territory, on the 15th day of March,1902. Applicant Homer James this day, to-wit: the 15th day of March,1902, appears by his father, William C. James.

WILLIAM C. JAMES, being first duly sworn and being examined testified as follows:
BY COMMISSION:
Q What is your name? A W. C. James.
Q What is your post-office address? A Fairland.
Q Are you the father of the applicant, Homer James? A Well I claim him, I have no right to dispute it.
Q Well I wasn't asking you that at all? A Well, yes.
Q Where is this boy living? A Right miles south of Fairland.
Q Why does not he appear? A I don't think it was advisable to bring him out; he has fits, that is the reason he was not before you before.
Q He is incompetent? A Yes sir.
Q What is this boy's ~~mxxxxxxxxxxx~~ mother's name? A Almeda.
Q How long has she been dead?A Died in March,1882.
Q Where were you living when the roll of 1880 was made? A I was living on Cowskin Prairie.
Q In the Cherokee Nation? A Yes sir.
Q How does it happen that this boy nor your wife don't appear on the roll? A That is the trouble, there is the three Berry boys that was living here in 1880 and I can find their names and I could not find my wife's; thecensus takers come to my house.
Q Had the citizenship of your wife ever been disputed for any reason? A Never had that I have any knowledge of.
Q Was your wife admitted to citizenship with her mother in '70? A Not that I know of.
Q When were you married to your wife? A October, 1873.
Q How long had you known her prior to your marriage? A Oh some 2 years, two and a half I reckon.
Q You didn't know her when her mother Susan Jane Berry applied to the Commission? A Yes sir, Susan Jane Berry applied in '72 .
Q The record says '70? A Please your Honor, they wasn't out here, I don't want to dispute anybody else's word.
Q I don't either; except I see the record shows it was '70? A Well it is just a mistake; let her go though; it was the fall of '72, they made application for citizenship at Tahlequah.
Q To what court did they apply, or what Commission on citizenship? A They applied to the Council as well as I recollect.
Q When did your wife and her people come to the Cherokee Nation? A My wife and L.B.Smith and his family and Silas Perry, come in '69, I believe it was, and then Susan Jane Perry and the rest of the family came, if I understand it right, in '72.
Q Did you know them when they came here? A I get acquainted with them directly after they came here, with Susan Jane and her family, and I was acquainted with Almeda some two years two and a half years before they came out.
Q Did your wife make her home continuously in the Cherokee Nation from the time she came here until her death? A She was out of the Nation about a year.

Q When was that? A It was I guess about '71, here at Baxter Springs
Q That was as you state prior to her admittion to eitizenship?
A Yes sir.
Q Since her admission to eitizenship has she ever made he r home outside of the Cherokee Nation? A No sir.
Q She lived here continuously up until the time of her death?
A Yes sir.
Q Did she always draw money as a Cherokee by blood? A Always.
Q Has this boy Homer James always drawn money? A He has always drawn, first payment was '75, next '80 and he has drawed right along ever since.
Q He has always lived in the Cherokee nation? A Yes sir, he has never been out , I don't suppose, above a dozen nights in his life.

BY MR. HASTINGS:

Q How old is this boy's mother? A She would be 60 years old, I reckon, this month, if I aint mistaken.

BY COMMISSION:

Q Any further statement you desire to make relative to the aplication of your son? A No sir.
Q Do you submit the case to the Commission for final decision?
A I do, sir. BY MR. HASTINGS:
Q Was your wife ever married, before she married you? A No sir.

BY COMMISSION: The applicant's father, William C. James, and the Representative of the Cherokee Nation present submit the case, same is now deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

I,M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

Cherokee D 1072

N.A.L.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Homer James as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

--oOo--

The record in this case shows that on January 29, 1901, Nathan M. Perry appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of Homer James as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory, October 24, 1901, at Tahlequah, Indian Territory, November 22, 1901, and at Muskogee, Indian Territory, on March 15, 1902.

The evidence shows that the said Homer James is the son of William C. James, a white man, and Hannah A. James, a Cherokee by blood, who was admitted to citizenship in the Cherokee Nation with her mother, Susan Jane Perry, and others, by the duly constituted authorities of said Nation, on December 16, 1870. Neither the name of Hannah A. James nor that of her son, Homer James, can be found on the Cherokee authenticated tribal roll of 1880, although they were residents of the Cherokee Nation at the time that roll was made. The brothers of Hannah A. James are found to be enrolled on that roll. The said Homer James is identified on the Cherokee census roll of 1896 and on the Cherokee Strip Payment roll of 1894.

The evidence further shows that the said Homer James was born in the Cherokee Nation and has lived there all his life.

It is, therefore, the opinion of this Commission that Homer James should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this AUG 11 1902

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
Cherokee D 1072.

Muskogee, Indian Territory, August 13, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 11, 1902, granting the application of Homer James for enrollment as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against its decision. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 28.

Horae Juxta D1672

Ultimus Lin B. Incipit

Homer Lannis

Original Testimony Jany 29/01

Amended Jany 29/01

Supplemental testimony 12/24/01

Certified copy of Act of Legislature

The applicants grandmother

Supplementary testimony Nov 22, 1

Notice of final consideration, 3/15/

Petition [illegible]

[illegible]

Cher D 1073

Cher D 1073

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., January, 29th 1901.

In the matter of the application of Richard M. Dannenberg for the enrollment of himself, wife and three children as Cherokee citizens. He being first duly sworn before Commissioner T. B. Needles, testified as follows:

Q What is your name? A Richard M. Dannenberg.
Q What is your age? A 49.
Q What is your post office address? A Tahlequah.
Q In what district do you live? A Tahlequah district.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Who is it that you want to have enrolled? A Myself, wife and three children.
Q What is your wife's name? A Louverna A. Dannenberg.
Q Is she a Cherokee citizen by blood? A No sir.
Q What is her age? A 36.
Q What are the names of your children? A I have one in the Philippine Islands as a soldier.
Q What is the name of this child in the Philippine Islands? A Joseph R. Dannenberg.
Q How old is he? A 23.
Q Next child? A Fannie.
Q How old? A 12.
Q Next child? A Richard M. Jr.
Q How old is he? 5 years.
Q When were you married to Louverna A. Dannenberg? A In 1888.
Q Have you a certificate of marriage? A No sir.
Q Have you no proof of marriage at all? A Yes sir I can ger proof.
Q Where were you married? A In Flint district.
Q What was her maiden name? A Adkins.
Q Was she your first wife? A No sir.
Q Are you her first husband? A Yes sir.
Q Was your first wife alive when you married your present wife? A I don't know; I guess so; I waited 12 years before I married; my first wife became insane and was taken to St. Jo Missouri and put in the Insane Asylum there.
Q Have you any evidence of the fact that she is not there yet? A I waited 12 years before I married again.
Q It would have been easy for you to have ascertained whether or not she was dead before you married would it not? A I guess so.
Q But you didn't do it? A No sir.
Q When was your first wife taken to the Insane Asylum? A In '??.

1880 roll, page	361,	No. 429,	R. M. Dannenberg,	Flint district.
1896	1158	765,	Richard M. Dannenberg,	Tahlequah district.
1896	1278	66	Louvena A. Dannenberg,	"
1896	1158	765	Joseph R. Dannenberg,	"
1896	1158	766	Fannie Dannenberg	"
1896	1158	767	Richard M. Dannenberg Jr.	"
1880	361	435	Joseph Dannenberg	Flint dist.

Q What is the reason that Joseph is not present to make his own application? A He is in the Army.
Q Where? A In the Philippine Islands.
Q Is he married? A No sir.
Q Do you want to make any further statement in regard to this marriage? A No sir.
Q Who is the mother of Joseph R. Dannenberg? A My first wife, the one that is in the Insane Asylum.

Q Have you been living continuously with your wife Louverna A. since your marriage to her? A Yes sir.
Q Are you living with her at time time? A Yes sir.
Q Have you been living in the Cherokee Nation all your life? A Yes sir.
Q Are these children living and with you at this time? A Yes sir.

The name of Richard M. Dannenberg appears on the authenticated roll of 1880 as well as the census roll of 1896; he id duly identified and makes satisfactory proof as to residence, consequently he will be listed for enrollment as a Cherokee citizen by blood.

The name of Joseph R. Dannenberg appears on the authenticated roll of 1880 and the census roll of 1896, and he is duly identified and satisfactory reasons are given for his non-appearance, consequently he will be listed for enrollment as a Cherokee citizen by blood.

The applicant avers that he was married to Louverna A. Adkins a non-citizen in 1888, he also avers that he has no divorce from his previous wife, and no evidence is given as to her death. By reason of the testimony as to his marriage to his present wife Louverna A. before the death of his former wife, final judgement as to the enrollment of his said wife Louverna A. as a Cherokee citizen by intermarriage, and of her two children, Fannie and Richard M. Dannenberg Jr. as Cherokee citizens by blood, will be suspended and their names will be placed on a doubtful card.

----oooOooo----

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic therein.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 30th of January, 1901.

(Signed) T. B. Needles.
Commissioner.

Louise Smith, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing copy and that same is a true and complete copy of the original transcript.

Louise Smith

Subscribed and sworn to before me this August 24, 1904.

Charles A. Sawyer
Notary Public.

D - 1073.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 12th, 1901.

Supplementary testimony in the matter of the application of Louvinia Dannenberg for enrollment as a Cherokee citizen.

Mary Atkins, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Mary Atkins.
Q What is your age? A 49.
Q What is your postoffice address? A Muskogee.
Q Are you a citizen of the Cherokee Nation? A No sir.
Q Do you know Richard M. Dannenberg? A Yes sir.
Q You know his wife, Louvinia? A Yes sir.
Q How long have you known them? A I nearly raised his wife; she is my step-daughter.
Q You know they were married? A Yes sir.
Q When were they married? A In 1888.
Q Where were they married? A They were married in Flint District.
Q Were you at the wedding? A Yes sir.
Q You saw them married? A Yes sir.
Q Have they been living together as man and wife since that time? A Yes sir.
Q Continuously? A Yes sir.
Q Is she a citizen or white woman? A White woman.
Q Then you were present at their marriage in 1888? A Yes sir.
Q You know who married them? A Yes sir.
Q What was his name? A Brother Young Mewing.
Q Is he living? A No sir.
Q Was he a minister of the Gospel? A Yes sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceeding in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

(Signed) Edward G. Rothenberger.

Subscribed and sworn to before me this 12th day of March, 1901.

(Signed) T. B. Needles.
Commissioner.

Louise Smith, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing copy and that same is a true and complete copy of the original transcript.

Louise Smith

Subscribed and sworn to before me this August 24, 1904.

Charles Hosmer
Notary Public.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date ..... 1900.

Name .....

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Wife's name Louvenia Dannenberg

District Tahl Year 1896 Page 278 No. 96

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Names of Children:

Fannie Dannenberg	Dist.	Year 1896	Page 158	No. 766	Age 12
Enoch and M	Dist.	Year 1896	Page 158	No. 767	Age 5
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

No. 1 on 1896 roll as Louvenia Dannenberg

R

C. D-1073

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 15, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application of Louvinia Dannenberg for the enrollment of herself and children as Cherokee citizens.

Appearances:
Ridge Paschal, Tahlequah, I. T., Attorney for applicants;
W. W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 27th, 1902, that her application for the enrollment of herself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 15th day of March 1902. Receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: the 15th day of March, 1902, appears by her attorney, Ridge Paschal.

G. W. BENGE, being first duly sworn and examined testified as follows:
BY PASCHAL:
Q What is your name? A G. W. Benge.
Q Age? A 49.
Q Post office? A Tahlequah, Indian Territory.
Q What is your occupation? A Attorney.
Q Had you ever held office of clerk in the Cherokee Nation?
A Yes sir.
Q Is it possible under Cherokee laws to get a certificate of marriage for a white woman to marry an Indian man? A No sir.
Q You never issued one yourself and never heard of one? A No sir.
Q Those that have been living with Indian men, living together and got married have had all the rights of Cherokee women haven't they?
A Yes sir.
Q Their rights were recognized in their husband's estates? A Yes sir.
Q You have also been District Judge there have you not? A No sir.
Q You have been Circuit Judge? A Yes sir.
Q Try and decide suits for divorce between them? A Yes sir.
Q Brought both ways? A Yes sir.
Q You remember the first suit to be in the Rogers' case, the record seems to have been lost? A No, I couldn't testify as to the first suit case, I only heard of it.
Q You have heard of the Dawson case did you not? A I remember something about the Dawson case.
Q What I wish to get, Judge, is, a party married to a Cherokee or co-habiting with a Cherokee, has been recognized as a Cherokee citizen by the Cherokee courts? A A white woman?
Q Yes. A Why that is my understanding.
Q You know Richard M. Dannenberg and his family? A Yes sir.
Q You remember how long they have been living in Tahlequah, about how long, 10 or 12 years? I don't remember exactly, but 10 or 12 years, something like that.
Q They are recognized as man and wife? A Yes sir.

BY MR. HASTINGS:
Q Has there been a Constitution of the Cherokee Nation for about sixty years, printed? A Yes, for a number of years.
Q You know there has been one ever since '38 don't you? A Yes, exactly.

Q Written law, printed? A Yes sir.
Q Laws were compiled several times weren't they? A Yes sir.
Q Printed law books in 1880? A Yes sir.
Q 1892? A Yes sir.
Q 1875? A Yes sir.
Q And I believe in '68, first after the war? A I think so, I am not so positive as to that compilation; of course I think there is though.

BY PASCHAL:

Q You know the Cherokee court has clearly the right to try white women married to Cherokee men the same as they have clearly the right to try white men married to Cherokee women? A Yes sir.
Q Indict them in criminal cases and civil? A I remember more civil cases than criminal.
Q Well clearly the right to try them? A Yes sir.
Q Do you remember if the Dawson case was decided, the divorce case where they tried to throw the woman out of court? A Well I don't know the minuetia at all about that matter, only I know what I did; of course it would be a good deal of guess work on that matter.

BY MR. PASCHAL: Introduce the record of the Dawson case.

BY COMMISSION: There is introduced in evidence a certified copy of a decision of the Cherokee Supreme Court in the case of Malissa Dawson versus W. A. Dawson.

Ridge Paschal, being first duly sworn, makes a statement in this case, as follows, to-wit:

I call attention to the fact that the original Rogers case cannot be found. My age is 56 years; post-office address, Tahlequah, Indian Territory; occupation, attorney at law.

In the Dawson case this Malissa Dawson case versus W. A. Dawson, I argues the case in the lower and higher courts, Supreme Court, The Rogers case was then quoted and then in existence on the proofs as will be seen. The Rogers case was a case in which the Supreme Court recognized the white wife of a Cherokee, without requiring a license, marriage license, and refused to dismiss the case where it was set up that the white wife was not a citizen and could not be a citizen. The Rogers case since then cannot be found, but it quoted the Rogers case which recognized the white woman, who have been living as wives of Cherokee men as citizens of the Cherokee Nation.

I have known the Dannenberg family for the last 10 or 12 years, living there in Tahlequah. They are recognized as man and wife, and the children of the couple that are mentioned in the application.

The applicant cites the law of Congress making valid the marriagesperformed in the Cherokee Nation in 1890, and also the law incorporating the laws of Arkansas, in which after five years if not herein approved the absent husband or wife are presumed to be dead. And he also cites the common law rule on these things.

I ask permission to file a brief in the case.

BY COMMISSION: The attorney for the applicant requests and will be granted 15 days in which to file a brief in this case, one copy with the Commission and one copy with the representative of the Cherokee Nation.

The attorney for the applicant and the representative of the Cherokee Nation present submit the case; same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the fore-

going is a true and complete transcript of my stenographic notes thereof.

(Signed) M.D.Green.

Louise Smith, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing copy and that same is a true and complete copy of the original manuscript.

Louise Smith.

Subscribed and sworn to before me this August 24 1904.

Chas. H. Lamper

Notary Public.

M. 01093

...mitted to the File Division Thru [illegible]

FILED

MAR 15 1902

[illegible]
ACTING CHAIRMAN

One o'clock P. M.

Court Convened, Case of

Melissa Dawson
vs.
W. A. Dawson

Case opened and papers read to the end of the case of Plaintiff, Court adjourned to tomorrow, A. M.

Nov. 10th 1886

Court convened, Present J. M. Keys, Chief and John W. Alberty J. A. Seales, Clerk. Reading of the testimony concluded, case argued on the motions overuled and accepted to in the lower court 1st to dismiss to case, because the plaintiff is white woman and therefore not a citisen of the Cherokee Nation.

DECISION.

In the matter of the motion made by deft. to dismiss case, in the Ciscuit Court of Delaware District, upon the grounds that the Plaintiff is a white woman; and a citizen of the U. S. and never adopted by any act of the National Council of the Cherokee Nation or any of the Courts of the same; and that the said Melissa Dawson having been born, raised, and married beyond and out of the jurisdiction of the laws of the Cherokee Nation cannot be heard in its courts," The court finds from its records , that the Supreme Court, setting as a court of Commission, to try and decide cases of persons of doubtful citizenship did in the year of 1871 in the case of the Cherokee Nation vs. Nancy Rogers ~~and~~ a white woman who had married a Cherokee, define the status of white women who had married a Cherokee men,(See decisions S. C. 1871 page 33) Fifteen years have elapsed since the date of this decisio n and the National Council has not by legislation changed that status. The Court sees no good reason for doing so now. The motion is overuled and the case will proceed.

Motion of deft to exclude document C. & E. argued and submitted.

Court adjourned to one o'clock. P. M.

Executive office Cherokee Nation.
Tahlequah, I. T.

I B. W. Alberty, Assistant Executive Secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the record of the Supreme Court of the Cherokee Nation which is in my legal custody. I also certify that I have examined the records and fail to find the Rodgers case above referred to.

Given under my hand and the seal of the Cherokee Nation this the 10th day of March 1902.

B. W. Alberty

Assistant Executive Secretary Cherokee Nation.

Richard H. Dannenberg, to the best to have married at the town of St. Joseph, Mo. to Miss. Wye Estel, a white woman, not an Indian.

Returned with her to the Cherokee Nation, and resided in Flint District.

They were not re-married in the Cherokee Nation as in such cases required by Cherokee law, at any time since.

About the year of 1870, the said Wye having become mildly insane since coming to the Cherokee Nation, her said husband in company with Dr..... Estel, a brother of said Wye, taken her from said Flint District to the state of Missouri, however it is not known to a certainty, that said husband went all of the way - she was placed in an institute of the said state for the Insane, at Fulton, Mo.

The said husband not having remained away from the Cherokee Nationvery long. and about a year after the departure of said Wye from the Cherokee Nation, the said husbandwent back to Missouri , and there for some time lived with said Wye out of said Asylum, and in due time there was born to her a male child, name " Freddie " who when weaned from his mother, was brought to his Cherokee grand mother, Mrs. Christie Dannenberg, (now deceased) in Going-Snake District, C. N. near Tahlequah Mills, Ark. who also then had raising three other boys, John C. -- Daniel , - - and Joseph Dannenberg, children of said R. H. & Wye Dannenberg, and where the said father was also formerly making his home since the departure of said Wye, when he was in the Cherokee Nation, .

The boy " Freddie " survived only until about 6, years old. The said Wye having been returned to the Insane Asylum when her said husband had quited her, and he returned to the Cherokee Nation

About the year . . . . . the said R. H. Dannenberg employed the services of Mr Judge Wesley Walker and William Pasmus, Attorneys to make application to the Cherokee National Council for a ivorce from said " Wye " and the petition having been presented in due form, but the Council refused to grant the same .

About the year . . . said R.M.Dannenberg, without having gone into the Cherokee Circuit Court, which Court having the proper jurisdiction to adjudicate divorce suits, to obtain his desired seperation from his said wife, he was married to " Lavernia Atkins" in Flint District , Cherokee Nation- the said " Lavernia " also being a white woman, not an Indian, and not possessing any Cherokee Indian citizenship rights whatever,; The issue of this second union are two (2) children, viz:- " Fannie" a female and " Richard" a male, both of whom born at Tahlequah, I.T.

Perhaps as far back as 7. or 8. years ago, the said son "Daniel " was supposed to have visited his said mother "Vye", at the Insane Asylum, supposed to be located at Fulton, Mo. on several occasions, and after which visits, he had been with his said father, R.M.Dannenberg, at Tahlequah, I.T. And it is a plausable inference , that if from no other source of information, his father learned from him the facts of the whereabouts of said Vye,

About 4. or 5. years ago the said son. "John" it was supposed and believed, to have visited his said mother "Vye" at the Insane Asylum in Missouri.

These facts when proven, it must naturally follow, that as long as the said "Vye" survived, and such existance unquestionable well known to said R.M.Dannenberg, and he having obtained no divorce from her, and which latter the law in force in this Jurisdiction distinctly forbids and prohibits, unless he were able by competent proof to show that such Insanity had existed at the time, and prior to, his supposed marriage with her- and it also would follow, that the second marriage to said "Lavernia" was and must be now illegal and therefore wholly void and not carrying with it any rights to Cherokee citizenship to her or any of her offspring, when it must be understood that she is a white woman, not an Indian- presuming the blood to follow the mother., and not the father, who-ever he may be.

Brief in behalf of Applicants
Cherokee D 10-73

For Cherokee Nation Representatives

D 1073

Brief in behalf of Applicants

Cherokee — D 1073

— For Cherokee Nation Representative

D 1073

UNITED STATES OF AMERICA,

INDIAN TERRITORY.

BEFORE THE UNITED STATES COMMISSION TO THE FIVE CIVILIZED

& TRIBES AT

MUSKOGEE, INDIAN TERRITORY.

In re

The application for enrollment of Louvena Dannenberg and her two minor children, viz; Vandie Dannenberg and Richard V. Dannenberg, junior, as citizens of the Cherokee Nation as wife and children of Richard V. Dannenberg, senior, a citizen of the Cherokee Nation by Blood.

No. 10730

APPLICANT'S BRIEF.

The record in this case shows that on the 29th. day of January, 1901, Richard V. Dannenberg, senior, applied for enrollment of himself and family as members of the Cherokee Tribe.

The family consists of the above named and a son, Joseph Dannenberg, a soldier in the Philippine Islands.

The Commission there and then ordered the enrollment of Richard V. Dannenberg, senior, and Joseph Dannenberg and placed the wife and these minor children upon doubtful cards. The evidence developed that Richard V. Dannenberg, senior, had been married before his alliance with Louvena Atkins the applicant; that on account of his first wife's people took her to Missouri; and after waiting eleven years he married Louvena Atkins in 1888, and from that marriage these two children mentioned above as applicants for enrollment came.

On March 13th., 1901, Mary Atkins, who reared Louvena and was her step mother, testified that she saw the marriage ceremony performed in Flint District, Cherokee Nation, uniting Richard V. Dannenberg and Louvena Atkins as man and wife. This marriage ceremony was performed by a minister named Young Ering.

On March 15th., 1902, the final testimony in this case was taken and

it shows that no certificate of marriage was then recorded, or required to be recorded, where a Cherokee man married a white woman. In the case of Watson vs Dawson the Cherokee Supreme Court refused to dismiss a case where the contention was that an inter-married white woman could not become a Cherokee citizen. It followed a precedent that was then sixteen years old. So that precedent had stood unquestioned for thirty years in the courts of the Nation. They took, upon their inter-marriage with Cherokee men, all the advantages and disadvantages of Cherokee citizenship and were treated by the courts as full citizens and stood on the same footing as white male citizens of the United States who married Cherokee women after complying in the strictest manner with the laws providing for their inter-marriage with Cherokee women.

Since the United Courts have been established in this Territory they have uniformly recognized white women, married to Cherokee men, as being "members of the tribe" the same as those white men who have complied with the Cherokee laws governing the intermarriage of white men with Cherokee Indian women by blood, citizens of the Cherokee Nation. This Commission has recognized probably more than a thousand such women and enrolled them and their children as members of the tribe. It may puzzle the honorable Commission to grasp why the Cherokee tribe, in its laws, required white men to comply with the strictest regulations about intermarriage and made no enactions as to white women. It sprang from old Indian precedents even before the tribe had a written Constitution. Every male member of the Cherokeetribe was in time of war a soldier. So when the white man married a Cherokee girl if he took her and left the camp it was all right; but if he wished to remain with the tribe those wily old warriors required him to promise obedience to the Chief and tribe and in time of trouble to arrayhimself against his own people and blood and fight for the tribe.

If theywere unwilling to do this he had to take his wife and go. But they were not going to let him learn their mountain trails and where their supplies were hidden and pilot their enemies by short cuts to their country and to their granaries. The white wife, on the other hand, was

not regarded as dangerous because squaws did not fight; and the wife and mother was much more likely to cling to her family and the tribe than the white husband, and in all probability would never learn anything that could be used against the tribe. This explains the radical difference made between inter-marriage of male and female whites.

When the tribe became more civilized it incorporated this rule into its written law. It still regarded the husband as being the head of the family and he was made a voter and mixed with the people; he was much more likely to cause trouble than the woman attending to her domestic affairs and very seldom thrown with the general public.

So if there had not been a former wife Louvena Dannenberg's and her minor children's rights to enrollment could not be, and would not be, a matter of dispute. Our contention is that she, under the law, is as much a member of the Cherokee tribe as though the first wife had never existed at all. The Arkansas laws have been extended over this territory; its statutes and precedents carry deciding weight. Section 2850, on page 623, of Mansfield's Digest says:

> "Any person absenting himself beyond the limits of this State for five years successively shall be presumed to be dead in any case in which his death may come in question, unless proof be made that he was alive within that time."

And under that section in Beam vs Copeland, in 54th. Arkansas Supreme Court Reports, commencing on page 70, the Court upheld an agent who had used money to pay the debts of a man who had gone philandering or filibustering to Texas for five years and said the presumption of death was correct. I call particular attention to said case, and while Louvena Dannenberg might safely stand on this statute and decision alone, yet the digest further re-inforces her. On page 912 of said Mansfiled's Digest, Section 4597 says;

> "In all cases where any husband shall abandon his wife, or wife her husband, and reside beyond the limits of this State for the term of five successive years without being known to such person to be living during that time, their death shall be presumed, and any subsequent marriage entered into, after the end of said five years, shall be as valid as if such husband or wife were dead."

In 1890 the Congress of the United States realising that there had been considerable looseness as to marriages in the Indian Territory before that

did, in the Act creating a temporary Government for the Territory of Oklahoma and enlarging the jurisdiction of the United Court in the Indian Territory, and for other purposes, in section 38 of said Act provide for the proper way to celebrate marriages between citizens of the United States and citizens of the different tribes with citizens of the United States and to preserve a record of the same; and then went on to say in said section 38:

> "Provided, further, that all marriages heretofore contracted under the laws or tribal customs of any Indian Nation now located in the Indian Territory are hereby declared valid and the issue of such marriages shall be deemed legitimate and entitled to all inheritance of property or other rights the same as in case of the issue of other forms of lawful wedlock."

and further provided that the Clerk of the United States Court should not issue a license for any one to marry a member of any Nation until all of the forms required by the tribe should be complied with.

Under that law, while males were required to get an Indian license before the issuance of United States license, females were not in the Cherokee Nation because its laws did not require females to have license. That law was meant to be remedial and to act like patent medicine as "A cure all" and was so understood by the Court.

In the case of Sharp vs Johnsen, pages 79 to 93 of 22nd. Arkansas Supreme Court Reports, the Court says on pages 89, 90, and 91, of the report of that case

> "By the Common Law a person proven to be alive was presumed to be so until his death was shewn, though if he had not been heard from for seven years the law presumed him to be dead"

and cites several authorities. Then it continues and says;

> "By our Statutes once a resident in this State and absent from it five years is presumed to be dead unless proven to be alive within that time, (Chapter 53, section 1, Gould's Digest), and every person, until the contrary is proven is supposed to be innocent of a supposable or imputed crime.
> These presumptions may sometimes clash with each other then it is for the law to declare which is to prevail. In this case the opposing counsel were insisting on the benefit in their favor, Plaintiff's counsel on the presumption of John B.Powell's innocence of the crime of bigamy; while defendant's counsel wished an application of the presumption of life alone and the question was which is the stronger presumption. The Court answered the question in favor of innocence and it did right. (1 Greenlief Evidence, Sec.35)

This precise question was before the King's Bench in 1819 and was decided as the court below ruled per Bayler, J.

> "It is not necessary for the Court in this case to impugn the authority of the case which has been cited nor to vary the ordinary presumption which exists in both civil and criminal cases, for this is a case of conflicting presumptions and the question is which is to prevail. The law presumes the continuation of life but it also presumes against commission of crime and that even in civil cases until the contrary be proved. * * * The cases cited only show when presumption of life ceases even when there is no conflicting presumption. The facts of this case are that there is a marriage of the pauper with Frances Burns which is prima facie valid but years before that took place she was the wife of Richard Winter and if he was alive at time of the second marriage it was illegal and she was guilty of bigamy and it would clearly not be sufficient in that case Winter must have been alive at the time of second marriage. It is contended that his death ought to have been proved but the answer is that the presumption of law is that he was not alive when the consequence of his being so that another person has committed a criminal act. Per Best, J."

They had the right to presume that the pauper had not committed a crime and if so the second marriage would be valid unless proof had been given of the husband's being then alive. The cases cited are very distinguished ones. They only decided after seven years after a person has been heard of you are in all cases to presume his death. But they do not show that where a conflicting presumption exists you may not presume his death at an earlier period. Now the conflicting presumptions exist here and I think the sessions were warranted in presuming the death of the first husband on the ground they would not presume the woman committed bigamy. (The King vs The Inhabitants of Twying, 2nd. B. Ald. 386.) To the same point, and equally decisive, are Greensboro vs Underhill, 2nd. Verm Rep. 604. Clayton vs Wardell, 4 [illegible] An [illegible] also says;

> "A charge of an act of immorality, or disobedience to positive law will not be received unless supported by positive evidence. Circumstances showing probability merely are not in such cases enough. The facts must be conclusively proved. (Mathews Presump. Evidence). And in a plea for justification of libel charging bigamy the same strictness of proof is required as to convict for bigamy.

(Willmett vs Harmer, 8 Carr & Payne, 695." "

In the absence of a statute it seems that death is presumed after seven years. As the Cherokees had no statute regarding the presumption of death it would seem that the Common law rule would take its usual course. Dannenberg did not say he knew his first wife was living when he married the second time. He said he did not know but had waited

eleven years before marrying the second time. So, under the Common law rule the first was dead. Under the Arkansas law, section 2350, Mansfield's Digest, she was dead. Under the Arkansas law, section 4597, of same Digest, the marriage between Him and Louvena Atkins was as valid as if the first wife were dead even if there had even been any proof that she was living when second marriage took place or has ever lived since. Her personal appearance now would not destroy the validity of that marriage. Under the Act of Congress heretofore cited and quoted the marriage of Louvena Atkins and Richard M.Dannenberg, senior, was made valid and her children legitimate. Under the Cherokee customs white women married to and cohabiting with Cherokee Indian men were recognized as full citizens of the Cherokee Nation.

Congress was looking to this very enrollment preparatory to the division of the lands of the Cherokee Nation when it added after the words "inheritance to property" in section 28 of the Act heretofore quoted, the words "all other rights".

More than sixty grand juries have been empanelled since the United States Court commenced to operate in this District and Territory and no criminal charge has been made against applicant or her husband, nor could any be made and successfully maintained.

Who, for the last fourteen years has performed all the duties of wife, mother, and member of society, Cherokee Nation and tribe, but Louvena Atkins Dannenberg?

There have been repeated calls for enrollment since her marriage and she and her children have been so enrolled and her children have drawn money from Cherokee Treasury as Cherokees by blood. There is nothing in proof to show any one ever attempted to enroll the first wife after 1880 which was only three years after she left this Territory and her death could not then have been presumed.

The Cherokee Authorities in their census of 1896 recognized Louvena Dannenberg and her children as citizens and they were so recognized on other rolls as full citizens of the Cherokee Nation. So, that puts this case "on all fours" as the lawyers say, with those of Yates vs Houston

commencing on page 46 of 3rd. Texas Supreme Court Reports, and that of Carroll vs Carroll commencing on page 41 of Vol. 20, Texas Supreme Court Reports. The Carroll case reaffirms ruling in Yates vs Houston.

As Texas went through revolution after revolution and her courts have had more titles to land to decide than any half dozen States in the Union combined, the decision of that court should weigh accordingly, and I hope the Commission will so treat them. I quote from these reports and cases, giving extracts bearing on this application. The Commission will readily see that, boiled down, the question is, shall this wife, Louvena, and her children, receive their allotments of the Cherokee estate, and, therefore, it stands as the question stood in Texas as to who was best entitled to homestead granted to actual settlers.

John Hemphill, who was Chief Justice of the Supreme Court of Texas and a thorough scholar in the civil law and Roman law and in English and Spanish language, has never had his equal on the Supreme Bench of any State in this Union, nor even on the Bench of the Supreme Court of the United States as a land lawyer. Justice Field more closely approximated to him than any other Judge in the Union. The reports of the different SupremeCourts bear out this assertion and, therefore, his decisions do carry weight. The extracts cited are as follows:

Yates
-vs-
Houston

Texas Reports, Vol. 3, p. 446.

Opinion by Chief Justice Hemphill.

"It appears from the statement of facts and the depositions, that John Jiams, senior, was lawfully married in the State of Ohio, in the year 1800, to one Mary Haslett, and that they lived together as man and wife until 1818; that by his direction she then left his house and went to reside with his mother, and never afterwards returned to him; that after her departure from him he went down the Ohio River, and was gone some months, and afterwards returned to Jefferson County, Ohio; that shortly before his return the said Mary, his wife, went down the Ohio River, and it does not appear that they ever again met; that shortly after the return of the deceased he again departed down the Ohio River, and never afterwards returned to his former residence in Jefferson County; and that some months after his last departure the said Tabitha Harris, known then as Tabitha Kincaid, with two children of the said John Jiams, senior, and his wife, Mary, viz: Richard Jiams and John Jiams, Jr., were conveyed to the said John Jiams, senior, below Cincinnati, on the Ohio River, and that he, together with the said Tabitha and the two children, removed to Bayou Sara, in Louisianna, where they lived until 1822, when they removed to Austin's colony in Texas, the said Richard having in the mean time departed this life; that the said John Jiams, senior, the said Tabitha and the said John Jiams, junior, lived together on the league of land the half of which is now in controversy, from the year 1822 until the death of said John Jiams, senior, in 1827; that the three children of the deceased and the said Tabitha, mentioned in the petition, were born after their arrival in Texas; that the family were duly recieved as colonists, which, at the time of the grant, consisted of the deceased, as the head, the said Tabitha, John Jiams, junior, and such of the children of the deceased and the said Tabitha as were then born."

Yates :
-vs- : Texas Reports, Vol. [illegible] page 446.
Houston. :

Opinion of Chief Justice Hemphill.

"It appears from the depositions that the said Tabitha lived with her father about four miles from the residence of the said John Jiams, in the State of Ohio; that she was acquainted with him; the witness did not know that she was acquainted with his wife; that the said Tabitha lived a short time in Jiams' house before his removal, and that he acknowledged as the cause of his removal his apprehensions of penal consequences from his living with the said Tabitha, and also concerning his wife, Mary. But there is no evidence that the said Tabitha knew that this was the cause, or that she had any such apprehensions.

It further appeared from the depositions of witnesses, relatives of the said John Jiams, deceased, living near his former residence in Ohio, and with whom one of his children remained, that Mr. Ashley, his former wife, had not been heard of from the year 1831 until the taking of the depositions in 1847, nor is there any evidence of her existence subsequent to the former year.

From this evidence it appears that at the time of the family's emigration to this country, all knowledge of the existence of the former wife had, for four years, been lost; thus from the time of their ingress into Texas until the death of the deceased, the said Tabitha and the deceased cohabited as man and wife to whom children were born and were reputed to be married, as must be presumed in favor of innocence where there is no evidence to the contrary, and as is shown from the empresario's official report, in which they are ranked as man and wife, and as a portion of the married persons of the colony.

There was not, in law, any legal impediment to the marriage union between the deceased and the said Tabitha at the time of their emigration to the colony, or at least, at the date of the grant from the Government of Mexico. Four years had elapsed after the disappearance of the former wife before the appearance of the deceased and the said Tabitha, as husband and wife, in this country, and six years before

her right, by virtue of the marriage, to the land in dispute, began to accrue. The rational presumption, after this lapse of time, is, that the former wife was dead; her sister-in-law being in charge of her only daughter, having not heard of her since the year 1918.

The ordinary presumption in favor of the continuance of human life, should not, under the facts of the case, outweigh the presumption in favor of the innocence of their cohabitation, and that there was no legal impediment to their contracting their marriage relation.

Where a woman was married within twelve months after her husband left the country, the presumption was that she was innocent of the bigamy was held to preponderate over the usual presumption in favor of the continuance of human life. (2. B.& Ald.586; Shelford, 220.) This author states that there is no strict presumption of law on questions of fact as to the continuance of human life, without reference to accompanying circumstances, as the age or health of the party, etc. If the first consort be shown to have been alive within a short time of the second marriage the law in favor of innocence cannot presume that the party was not alive at the actual time of the second marriage; and as an instance where the presumption of innocence cannot arise, he refers to a case where the first wife had been heard of twenty-six days before the date of the second marriage. (Shelford, 226, and cases cited.) This does not militate against the inference of innocence in the case under review, as four years had elapsed after all trace of the former wife had been obliterated before the parties were presented within the limits of this country as man and wife; and this is the earliest period, or rather two years later, at which there is any necessity for inquiry into the character of cohabitation between the parties, as the rights of the plaintiff and defendant depend on the fact of the existence of the marriage at the date of grant.

There is no evidence as to the character of their intercourse in Louisianna, but on their emigration to Texas it assumes all the distinctive marks of the matrimonial relation, and the only argument which can be urged against the actual subsistence of the marriage relation, from

and after that period, and the innocence of the cohabitation, must be founded on the supposition that as the intercourse was illicit at its commencement it must have always so continued.

But admitting that their original intercourse was illicit with the knowledge of both parties it would be urging the presumption to an unreasonable extent to suppose that the unlawful character of the connection was unsusceptible of change, and that, when all legal disabilities has ceased to operate, the would voluntarily decline all the honors, advantages and rights of the matrimony, and prefer an association disgraceful to both parties, but peculiarly degrading to the female, and which inflicted upon their innocent offspring the stigma and penalties of illegitimacy.

Let it be admitted that this woman had, knowingly, wandered from the paths of virtue, and that in the weakness of human frailty she had originally yielded to the arts and seductions of the deceased, yet the conclusion does not necessarily follow that the latter would be unwilling to repair, as far as possible, the wrong he had inflicted, or that the former would, of choice, continue in a position so humiliating, and which, if the defense to this action can be maintained, would not be superior to that of a slave ministering to the wants of a master and nurturing his son, and liable to be driven from her home without compensation for all her toils and privations encountered in the support of the family in the midst of the wilderness. The judgement which would presume that erring humanity would not repent and reform is too harsh to have place in any beneficient system of law, and we cannot yield our assent to any such doctrine. When these parties emigrated, it was well understood in the colony that a married woman was entitled to one half of all the property acquired by onerous title, during the existence of the marriage, and it is but a reasonable presumption that even on this ground the parties would assure the position in which this right could be secured. Had they not been generally regarded, during the whole period of their residence in Texas, up to the death of the deceased, as man and wife, the fact could, doubtless, have been established with abundant facility. It was proven that they were not so regarded in Ohio four

(4)

years anterior to their removal to Texas; and the character of their association in this country would have been, certainly, still more easily shown by proof.

All the circumstances lead to the conclusion of the innocence of the cohabitation of the parties in this country. The families on their arrival in the colony were required to ascertain their good character and habits and we must presume this was done, and that the deceased and the woman, with whom he lived in continued intercourse were duly certified to be man and wife and that this was the case was manifest from the official census, in which they are classed as man and wife and a portion of the married inhabitants of the colony.

From the facts presented we are of the opinion that the parties were received as man and wife during their residence in Texas, that no legal impediment, in point of fact, existed to their marriage for nearly four years antecedent to their immigration, and that the evidence is sufficient to establish for all the purposes of this suit, the subsistence of the marriage, and consequently Mrs. Harris is entitled to all the rights of the lawful surviving wife of the deceased. (Bishop, page 99; 2 Starkie, p. 510.)

(6)

Yates :
vs :
Houston. :

Texas Reports, Vol. 3, p. 454.

Opinion by Chief Justice Hemphill.

"The Object of the Government in the law of colonization was to settle the vast wilderness of a remote frontier with a reputable, hardy and industrious population. 'Agriculture, industry and the arts' were to be promoted, and to accomplish this, grants of a large amount of land were offered to emigrants' families, but not gratuitously; not simply on the ground that they would introduce themselves into the country but that they should ultivate the lands and that within two years from the date of the concession. The inquiry then arose, by whom is this to be accomplished?

"Are we to suppose that the husband is the sole cultivator? That fields are to be opened and lands stocked with cattle without the assistance of his partner and the expenditure of their joint funds? And, in fact, it seems immaterial whether the whole of the money and labor be bestowed and expended by the husband or not, provided such was the necessary condition and charge by which title could alone be originally acquired or subsequently preserved. By the principles of the law then existing, the results of the labor of the parners, and of each one of them, became common property. It is of no consequence whether one contributed more to the acquisition, or whether it be procured by the traffic of one alone, it is common to both by virtue of the subsisting partnership through which these acquisition are reciprocally communicated. (Dictionarie p. 73)"

"The position is fallacious which assumes that the land is already granted, and that the labors of the wife are repaid by their community interest in the value of the improvements made, or cattle pastured on the land."

"If the land can be retained only by services to be rendered or labors performed by both of the partners or by one, and the profits by law accrue to both, it would be inequitable that the labors of the one should be rewarded by the land and half of the improvements, and that of the other by only half of the latter. To this she would be entitled on property brought by the marriage as his separate estate, and of which the title was fully vested in him, and to procure or preserve which no

expenditure of labor or money is necessary; but where these services and expenditures can alone procure and secure the title, she should certainly be entitled to an equal share of the reward bestowed. These grants were, in fact, dearly purchased by the unparalled toils and sufferings of both the partners; and the fruits of their labors, under a system of laws where the community of interests are protected with such jealous vigilence, should be equally distributed."

Carroll
vs
Carroll.

Texas Reports, Vol. 20, p. 741.

Opinion by Chief Justice Hemphill.

"The first question I shall examine is, whether the defendant, Susan Carroll, the wife of the deceased, Nathaniel Carroll, was entitled to a community share of the property left by him at his death. If she were in fact his wife, she was invested by law with the one half of the clear gains made during the marriage. The proof is clear and abundant that the parties in the year 1837 inter-married in Jasper County, with all the formalities and ceremonies prescribed by the statute; and that they subsequently lived together as man and wife and as such were recognized in the community in which they lived until the death of the husband, Nathaniel, in 1843."

"But it is said that the defendant, Susan, was not the lawful wife of the deceased, for the reason that at the time of their marriage her former husband, Jubez Saunders, was still alive. A sufficient answer to this objection is, that she and her former husband separated in the year 1829, and there is no evidence in the record of his existence since that day. She did not enter upon the second marriage until eight years after the separation; and as the presumption of law is in favor of innocence, it would, after so great a lapse of time, be inferred that her husband was dead and that there was no legal disability. Under the act of 1836 for punishing crimes and misdemeanors, in force at the time

of this marriage, the defendant could not have been convicted of bigamy, under the exemption extending to husband and wife ignorant that one or the other was living within five years previous to the second marriage, and certainly a more rigorous construction would not be given to the law (741) , where the question is merely one of property, than would be where the act stigmatized as criminal."

"A question similar to the one arising in this cause was considered at some length in Yates vs Houston, 3 Texas, 433; and it was held in effect, that where there was no evidence of the existance of the first wife for four years prior to the second marriage, the presumption was that she was dead, and that the second, or supposed second marriage, in that case, was lawful, and conferred on the wife a community right in property; that the presumption in favor of the continuance of human life should not outweigh the presumption of the innocence of cohabitation, and that this doctrine [illegible]case cited from 2 B. and Ald. 386, went to the extent of raising the presumption that a woman married within twelve months after her husband left the country, was innocent of bigamy; the presumption of innocence being held to preponderate over that of the continuance of the life of the husband. For further views with reference to this point we refer to the case cited from 3 Texas, there being such analogy between the facts in the two causes as to give to the doctrine there expressed special force on the point under consideration."

"The same preponderating effect of the presumption of innocence over the presumption of the continuance of human life was allowed in the case of Lockhart vs White and others, 18 Tex. 102, where five years had intervened between the separation of husband and wife prior to the second marriage, and where the existence of the husband within twelve months prior to the event was not known. Under these views and authorities we may conclude that the prior marriage of the defendant Susan was no legal bar to her second marriage, and that by virtue thereof she became the wife of the deceased."

"But it is further objected that the deceased, Nathaniel, had a wife living at the time of his marriage with the defendant, Susan, and that this was within the knowledge of the defendant. But the proof is that

the deceased had also been separated from his wife for about eight years and that his wife, Elizabeth, had married again in 1835, more than two years prior to the marriage between the defendant, Susan, and the deceased, Nathaniel. There was no evidence that the first wife of the deceased had obtained a divorce prior to her second marriage. But the law in favor of innocence raises such presumption. And the defendant, Susan, (742) if she knew of the existance of the first wife, might have acted on this presumption in contracting the marriage relation with Mr. Carroll. The parties -- that is the first wife and the deceased -- appear to have lived, after the separation in 1829, at places remote from each other; and at the marriage of the defendant with the deceased in 1837 it appears not to have been known to their neighbors that either of them had been previously married. InnSmith vs Smith, 1 Tex., such presumption was held available to the second wife. She, in that case, knew nothing of the existence of the first wife until after the marriage of the latter with another husband, and was under the principles of the laws of Spain, the cohabitation of the second wife, with her putative husband was, prior to this discovery of his previous marriage, lawful, it continued as such subsequently, from the fact that the first wife had married the second time; this latter marriage being presumed (there being no proof to the contrary) to have been after the divorce and legal and valid. The laws of Spain were in force in Texas until 1840, and the defendant Susan has the right to claim all the aid from them, which, under the facts of this case, they may afford. She did not marry until two years subsequent to the second marriage of the first wife of the deceased. She and her husband lived as man and wife for sixteen years up to the time of his decease. They were recognised as such by the community. No attempt was made to impeach or disturb their marriage relation, and we may safely conclude, after this lapse of time and under thecircumstances, that the defendant was the lawful wife of the deceased, and that there existed no legal impediment to their marriage."

I trust the Commission will see proper to take the names of Louvena Dannenberg and her two children, Fannie and Richard M.Dannenberg, Jr., off of the doubtful cards and place that of Louvena on the final rolls as an adopted citizen of the Cherokee Nation by inter-marriage and the two minor children as Cherokee Indians by blood and members of the family of Richard M.Dannenberg, senior, and citizens of the Cherokee Nation. And thus secure to them all inheritance of property and other rights, and not leave the stain of Bigamy or adultery on Louvena and Illegitimacy on her children. It has been shown that no Court would so do in either Criminal or civil proceedings. Certainly this Commission can have no desire to be harsher and stricter than the Courts. The good name of these applicants is more valuable to them than the moneyed value of their allotments will be. That is at stake before you this day.

No proof has ever shown that the first wife lived at time of second marriage and the burden of the proof of her death cannot be placed upon these applicants. The presumptions of first wife's death are all in their favor, but were she to arise from the dead and stand before this Commission it would not, under the law, destroy the validity of this second marriage nor the legitimacy of these children who are the issue of it.

Respectfully submitted,

Roger Pinchard

Attorney for Applicants.

D E P A R T M E N T O F T H E I N T E R I O R,

Commission to the Five Civilized Tribes,

Muskogee, I. T. June 9th 1903.

In the matter of the application of Louvenia Dannenberg for enrollment as a citizen of the Cherokee Nation by intermarriage.

Number Cherokee D 1073.

Brief on part of the Cherokee Nation.

The testimony in this case shows that the applicant is a white woman that her husband Richard M. Dannenberg is a Cherokee by blood and that his name appears upon the authenticated roll of Eighteen Hundred and Eighty; that he had been previously married and that he never was divorced from his first wife but that his first wife became insane and that she was taken to the Asylum in Saint Joseph Missouri, where so far as the testimony shows, and the applicant knows / she is at present confined.

Richard M. Dannenberg married the applicant in 1888 and, but for his previous marriage to his first wife from whom he was not divorced, she would be entitled to enrollment as a citizen of the CherokeeNation by intermarriage. The entire brief of the attorney for the applicant is based upon an erroneous construction of the general law with reference to the presumption of death after an absence of seven years. All that Counsel says for the applicant is admitted to be true and good law but it has no application whatever to this case for the reason that the first wife of Richard M. Dannenberg was insane and known to be in the insane Asylum in Saint Joseph, Missouri, and therefore she could not get out to come to Richard M. Dannenberg herself neither could she communicate with him and having been placed there for safe keeping the presumption is of course that she continues to remain there unless she is dead and Richard M. Dannenberg could easily ascertain that she was dead and could easily have ascertained it before his second marriage by communicating with the Superintendant in Charge of the Asylum. The presumption of death after an absence of seven years only goes to cases where some dilligent search has

been made for the absent person and after this search the person can not be found and it is certainly not applicable to this case.

Attention is called to the fact that there is a certificate on file in this case affirmatively showing that the first wife of Richard M. Dannenberg is alive and is an inmate of the Asylum for the Insane at Saint Joseph, Missouri where she was placed by her husband Richard M. Dannenberg a numberof years ago and this shows that her husband must not have made much inquiry about her subsequent to that time.

Respectfully submitted,

J. C. S..

Attorney for the Cherokee Nation.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 20, 1902.

In the matter of the application of Louvenia Dannenberg for the enrollment of herself and children as citizens of the Cherokee Nation.

Applicant appears by Ridge Pascale; Cherokee Nation by W. W. Hastings.

The applicant's husband in this case was notified by registered letter June 9, 1902, to appear before the Commission at its offices in Muskogee, Indian Territory, and submit further evidence showing that his former wife Elvina was not living at the time he married his present wife, Louvenia.

Richard M. Dannenberg, being sworn and examined by the Commission, testified as follows:
Q What is your name? A Richard M. Dannenberg.
Q How old are you? A Fifty-one.
Q What is your postoffice address? A Tahlequah, I. T.
MR. PASCALE: You have been notified to present a certificate here why did you not present a certificate of your marriage? A Because I haven't it and the law didn't require me to have any at the time I married. Q Were you given one? A No sir.
Q Was it customary to give them at that time? A No sir, it wasn't customary.
COMMISSION: Who married you? A Mr. Hewing, you have it in evidence somewhere, my mother-in-law was here as a witness, she was present when I married. Her name is Mary Akins.
Q What was the name of your first wife? A Elvina Dannenberg.
Q Is she living? A That I cannot tell you.
Q When did you last hear from her or of her? A I haven't heard from her at all, I have no recollection of hearing from her ever since she was up there.
Q Where is she at this time? A I don't know, I suppose she went to Missouri, her people live there.
MR. PASCALE: Then as I understand you you have not heard from her since '77? A Not direct I haven't; if I have heard I don't recollect. I haven't heard from her.
COMMISSION: When did you separate from your first wife? A In '77; I waited 12 years before I married again.
MR. PASCALE: You waited 11 or 12 years before you married again? A Yes sir.
Q Before you married again did you seek advice from those learned in the law?
Mr. Hastings: I object to that.
Commission: Objection noted.
A Yes sir, I got all the advice I could get from the district judge and a lawyer or two and they told me I had a perfect right to marry.
COMMISSION: Now Mr. Dannenberg, don't you know that your wife is confined in a state hospital for the insane at ST. Joe, Mo? A No sir, I do not know it.
Q Do you know where she went when she left you? A No sir, her mother taken her off, but they lived in Missouri.
Q How long had you been separated before she left the Cherokee Nation? A I couldn't say, I wasn't separated but a short while, I don't remember.

MR. HASTINGS:
Q What was her mental condition at that time? A I don't know sir.
Q Haven't you any idea? A Not with my own knowledge, she was never examined as being insane or anything that way.
Q What was the cause of the separation? A Just simply her people had taken her off.
Q No reason assigned at all? A No sir.
Q Have you ever heard that she was dead? A I haven't heard from her at all.
COMMISSION: Have you heard, Mr. Dannenberg, whether or not your wife is living or dead? A I haven't heard whether she is living or dead, I haven't heard either.
Q You know absolutely nothing about her? A I have no recollection of her at all.
W. W. HASTINGS: Do you mean to tell the Commission now that you don't know that your first wife is living and that you have not always known that she is in a St. Joe insane asylum? A I don't know, I have heard she was taken there.
Q Why not simply tell the Commission all you know about this case? A That is all I know.
Q You heard she was taken there? A I heard she was taken there.
Q Didn't you take her there? A I heard she was taken to Missouri.
Q Didn't you take her there yourself? A No sir, I didn't.
Q Didn't her mother take her off to take her there? A Her mother taken her off but I don't know where she took her.
Q Wasn't her mental condition bad when she took her off? A I don't know, I aint no doctor.
Q Don't you know that she wasn't regarded as mentally sound at that time? A As to that, I don't reckon she was.
Q You know she wasn't? A No, I don't know it.
Q Don't you know her mother took her direct to an insane asylum at St. Joe? A No sir, she took her to Missouri. I don't know whether she took her home or at an insane asylum.
Q Did you make any inquiry about it? A No sir.
Q Hasn't it been your information that she was taken to an insane asylum at St. Joe? A No sir, I don't know, I never heard it, I take that under oath.
COMMISSION: Didn't you make no inquiry as to whether your first wife was living or dead before you married your present wife? A No sir, I made none at all.
MR. PASCALR: Now then her mother took her away? A Yes sir.
Q Her mental condition was bad but she had acted strangely was it? A Yes sir.
Q You don't know whether after they got her away whether she got well or whether the Court pronounced her insane or not? A No sir.
Q You don't know where she was sent? A No sir.
Q Now there you wainted eleven years? A Eleven or twelve.
Q You took advice from the district judge and other folks told you you had right to marry? A Yes sir.
Q Did you inform your present wife relative to your former wife at all? A No sir, I never told her anything.
Q Do you know whether she knows anything about it or not? A Not only since this come up; she knows it now.
Q Now then at that time was there any way for you to get service on her if you had seen proper to get a divorce? A No sir. I couldn't get service on her.
Q Now one thing they asked you about, so that those folks gave you advice and you had supposed under the law you had the right to marry? A Yes sir.
Q After consulting the best legal advice in the country? A Yes sir
Q You can't present a certificate because none were given in those days? A No sir, when Cherokees married a white woman.

COMMISSION: Is that minister of the Gospel Young Hewing living?
A No sir, he is dead.
W. W. HASTINGS: Where did you and your wife separate? A Along up there on the line.
Q In Goingsnake? A Yes, or across the line; I believe it was in Goingsnake; I was up there and she was in Flint or I was in Flint and she was up there.
Q What caused her to leave? A As you asked me a while ago whether she was right sound, she wasn't in any condition or something like that, that was the principal cause I reckon.
Q Her mental condition? A Yes sir.
Q It was bad? A I didn't say it was bad.
Q Wasn't that the cause of it? A I don't know, she was in bad health a long time.
Q Didn't her mother take her off? A Yes sir.
Q For what purpose? A I don't know, I suppose that was it.
Q Did you learn from her mother or from any source at all that she was put in an asylum? A I heard it afterwards.
Q How long afterwards? A Two or three or four, or five months and may be a year; it has been twenty years ago and I have forgotten.
Q Haven't you heard frequently whether she is yet in the asylum?
A No sir, I haven't.
Q Have you made any inquiry about it? A No sir.
Q Do you know whether your sons have made any inquiry about their mother, did they ever tell you or not? A John said if I couldn't enroll my present wife he would try to enroll his mother. He didn't tell me whether she was dead or where she was, whether she was in an asylum or where she was. He said Dr. Ross got the information over here; that was in March when I was over here.
MR. PASCALE: Did you ever get a certificate of the marriage to your first wife? A No sir, not that I know of; we married in the states.
Q They inquired about your children, about the residence of your children, we will take Joe first, has Joe ever been out of this country until he joined the army? A He has been out a short time, not very long.
Q How long at a time? A Not over a month to my recollection.
Q Before he went to the Philippines- how about the other children Fanny and Dick? A The youngest never was out of the nation and the other was out a short time; she went to Hot Springs about three weeks.
Q The most either one of your children ever have been out was three weeks for the younger child and the oldest boy has not been out over a month for any one time? A Dan has been out for six years.
Q We have not asked anything about Dan in this case, John and Joe I am talking about- Joe has never been out more than a month except when he joined the army? A That is all I know of.
Q As I understand you if you want to have got service on Mrs. Dannenberg you could not have done it at the time you married? A No sir.
Q But they said that after that you had a right to marry? A Yes sir.
Q That was after a lapse of eleven years? A Yes sir.
COMMISSION: Is insanity a ground for divorce under Cherokee law?
A I don't know.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. C. Rothenberger.

Subscribed and sworn to before me this 26th day of June, 1902.

(Signed) P. C. Reuter.
Notary Public.

SEAL.

4-Louvenia Dennenberg*

Louise Smith, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing copy and that same is a true and complete copy of the original transcript.

Louise Smith.

Subscribed and sworn to before me this August 24, 1904.

Charles A. Sawyer

Notary Public.

R
Cher

Cherokee D 1347
Copies filed in Cherokee D 1073

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 28, 1902.

In the matter of the application of John C. Dannenberg, for the enrollment of his mother as a citizen by intermarriage of the Cherokee Nation:

JOHN C. DANNENBERG, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A John C. Dannenberg.
Q Is Tahlequah your post office address? A Yes sir.
Q Do you make application for the enrollment of your mother?
A. Yes sir.
Q What is the name of your mother? A Elvira B. Dannenberg.
Q About how old is she? A I suppose she must be 48.
Q Is she a Cherokee by blood? A No sir.
Q What was her father's name? A Doctor Vestal is all I can tell you. I knew her mother's full name.
Q What was her mother's name? A Mary J. Vestal.
Q Her parents are both dead? A No sir, her mother is still living, her father is dead.

By Mr. Hastings: What is your father's name?
A Richard M. Dannenberg.
Q Was he ever married but the one time? A He has been married twice.
Q Was your mother? A No sir, my mother has only been married once.
Q Her marriage to your father was her only marriage? A Yes sir.

--1880 roll, page 361, # 430, Flint District, E. B. Dannenberg;

By the Commission: When was your mother married to your father Mr. Dannenberg? A In 1873 I believe.
Q How long did they continue to live together as man and wife?
A Well, I was born in 1874, and I think it must have been about in 1878.
Q Have they separated? A Yes sir.
Q Where has your mother been since that time?
A She has been in an asylum at St. Joe, Missouri.
Q Has she been there since her separation from your father?
A I think so, I haven't seen her.

The Commission: There is offered in evidence by the applicant a certificate from C. R. Woodson, Superintendent of the State Hospital for the Insane, St. Joe, Missouri, June 12, 1902, relative to the mental condition of Mrs. Elvira Dannenberg. The same is filed herewith and made a part of the record.

Q To the best of your knowledge your mother separated from your father about 1878? A Yes sir.

--The following note appears opposite the name of the applicant on the 1880 roll: "In State of Missouri--insane."

John C. Dannenberg applies for the enrollment of his mother as a citizen by intermarriage of the Cherokee Nation. His mother is duly identified on the roll of 1880 as an adopted white.

It appears from the evidence in this case that about the year 1878, she separated from her husband, and that she has been confined in an insane asylum at St. Joe, Missouri, since. Final judgment as to her case will be suspended and her name placed upon a doubtful card pending final consideration and judgment by the Commission.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

(Signed) E. C. Bagwell.

Subscribed and sworn to before me this June 28, 1902.

(Signed) P. G. Reuter
Notary Public.

Seal

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy and that the same is a true and correct copy of the original testimony.

H M Vance

Subscribed and sworn to before me this 3rd day of July, 1902.

(Seal)

P G Reuter
Notary Public.

CD 1073

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 21 1902

ACTING CHAIRMAN.

Supervised and returned to Atoka for delivery to Choctaw Nation.

Cher
Supp'l to D 1073

Department of the Interior;
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 16, 1902.

In the matter of the application of LOUVINIA DANNENBERG, for the enrollment of herself as a citizen by intermarriage, and her two children, FANNIE and RICHARD M. DANNENBERG, JR., as citizens by blood, of the Cherokee Nation:

LOUVINIA DANNENBERG, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Louvernia Dannenberg.
Q How old are you ? A Thirty eight years old.
Q What is your post office address ? A Tahlequah.
Q Are you a white woman ? A Yes sir.
Q Are you claiming the right to be enrolled as a Cherokee citizen by intermarriage ? A Yes sir.
Q What is the name of the husband through whom you claim your citizenship ? A Richard M. Dannenberg.
Q Is he living or dead ? A Living.
Q Is he a Cherokee by blood ? A Yes sir.
Q Do you know how long Richard M. Dannenberg has been living in the Cherokee Nation ? A All his life I guess.
Q When were you married to him ? A In 1888.
Q Are you Richard M. Dannenberg's first wife ? A No sir.
Q How often had he been married before he married you ?
A Once.
Q Was his first wife dead when he married you ?
A Why no, I think not; I didn't know it though when I married him.
Q She is not dead is she ? A I don't know. I don't know whether she is or not.
Q Do you know as a matter of fact that she is living ?
A No, I don't know, as a matter of fact, that she is living.
Q Do you know whether they were divorced ?
A No, he never did say.
Q What was your impression at the time you married him ?
A Why I supposed that he was a widower. It never entered my mind, anything else, of course.
Q Now, were you ever married before you married him ?
A No sir.
Q Are you and Richard M. Dannenberg living together now ?
A Yes sir.
Q You are ? A Yes sir.
Q Have you been living together ever since you were married to him ? A Yes sir.
Q Have you made your home in the Cherokee Nation ever since your marriage to Richard M. Dannenberg ? A Yes sir.
Q How many children have you by Richard M. Dannenberg ?
A Two.
Q Are they living ? A Yes sir.
Q Living with you and your husband ? A Yes sir.
Q Do you know the name of your husband's first wife ?
A No sir.
Q You don't ? A No sir.
Q You don't know anything about her at all ? A No sir.
Q You don't know whether she is dead or living, or whether he was divorced from her, or anything about it ? A No sir.

Examined by W. M. Cravens, Esq:

Q Give the names and ages of your children by Richard M. Dannenberg ? A Fannie, a girl, age thirteen;
Q What is the boy's name and age ?
A A little boy, we call him Dixie, I think his father enrolled him as Richard M., Jr.
Q How old is he ? A Six years old.
Q Have you had any other children by Richard M. Dannenberg ?
A No sir.
Q And you and he have lived together continuously since marriage ?
A Why certainly.
Q At the time of your marriage to him did you knew anything about a living wife ? A No sir.
Q Have you ever seen her ? A No sir.
Q Have you heard from her in the last five years ?
A No sir, I never did hear from her.
Q Have you heard from her in the last seven years ? A No sir.
Q You never did hear from her ? A No sir.
Q Has she, to your knowledge, been in the Cherokee Nation in the last ten years ? A No sir.
Q I believe you answered his question that you have lived all the time with Mr. Dannenberg in the Cherokee Nation ? A Yes sir. And in Tahlequah. I have lived right in Tahlequah, and everbody there knows us.

Examined by J. C. Starr, Esq:

Q When did you first come to the Cherokee Nation ?
A Lets see; I was a little tat. It must have been before 1885, I guess.

By Mr. Cravens:

Q How did you come to the Cherokee Nation, what brought you there?
A Why my father was a preacher, a missionary, and of course I came with him. I was his child.
Q You moved to the Cherokee Nation from Tennessee didn't you ?
A No sir, we were in the Choctaw Nation before we came to the Cherokee Nation; he preached over there about two years before we came to the Cherokee Nation.
Q He came as a missionary and brought you there when you were a child ? A Yes sir.
Q How long was he a missionary in the Cherokee Nation ?
A About fifteen years.
Q Is he dead ? A Yes sir.
Q Where did he die ? A Here in Muskogee.
Q How long since ? A Three years ago in July.

By J. C. Starr:

Q How long had you known Mr. Dannenberg when you were married ?
A I hadn't known him very long; probably eight or ten months.
Q Did you make any inquiry about this first wife before you married him ? A No sir.
Q You never asked him anything about it ? A Why no.
Q You don't know where she is now ? A No sir.

By Mr. Cravens:

Q You didn't know he had one to inquire about did you ?
A No sir.

By J. C. Starr:

Q You knew he had some children ?
A Yes sir, I supposed he had been married, but that his wife was dead.

The Commission: You say you supposed he had been married ?
A Yes sir. By his having children I supposed he had been married.
Q But you didn't ask anything of him about his first wife ?
A No sir.

By Mr. Cravens:

Q How many children had he by his first wife living at the time you married him ? A Four.
Q About what ages were they; were they small or grown children ?
A No, there weren't any of them grown.
Q Did they live with you after your marriage to him ?
A Yes sir.
Q Who raised them ? A I did.
Q You have raised his children ? A Yes sir. I sent them all to school. The youngest one died, he was about ten years old when we married. The two oldest, I sent, John and Dan, to school.

By the Commission:

Q Who married you to Mr. Dannenberg ? A Young Ewing.
Q A minister of the gospel ? A Yes sir.
Q Did he give you a marriage certificate ? A No sir.
Q You never had a marriage certificate ? A No sir, the law didn't require a license either when we married.
Q How did you establish your marriage before the Commission ? Did you have any witnesses; when you asked to be enrolled first, did you establish your marriage to Mr. Dannenberg by witnesses, or by certificate ? A I never was before the Commission before.
Q You husband did that ? A Yes sir.
Q Is Mr. Ewing, the minister who married you living now ?
A No sir.
Q Are there any witnesses who could prove up the marriage if necessary ? A No sir; yes sir there are too.
Q Any living in Tahlequah ? A No sir, some living in Tahlequah. My step-mother, though, lives not very far from here.
Q What is her name ? A Atkins. Her first name is Mary.
Q What is her post office address ? A Muskogee.

By J. C. Starr: The representatives of the Cherokee Nation request that the testimony in the matter of the application of Elvina B. Dannenberg be filed in this case, and made a part of the record herein.

W. M. Cravens: On behalf of the applicant I object.

The Commission: Your objection will be noted.

Cher D 1071 --4

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this November 12, 1902.

B C Jones

Notary Public.

DEPARTMENT OF THE INTERIOR
DEC 13 1902
RECEIVED

C 1013

Cherokee D 1073.

W.J.S.

C.R.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIVES.
---o---

In the matter of the application for the enrollment of Louverna A. Dannenberg as a citizen by intermarriage, and for the enrollment of her two minor children, Fannie and Richard M. Dannenberg, Junior, as citizens by blood of the Cherokee Nation.
--oOo--

D E C I S I O N.

The record in this case shows that on January 29, 1901, Richard M. Dannenberg appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment, among others, of his wife, Louverna A. Dannenberg, as a citizen by intermarriage, and for the enrollment of his two minor children, Fannie and Richard M. Dannenberg, Junior, as citizens by blood of the Cherokee Nation. The other parties to the application are differently classified, and are not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 12, 1901, on March 15, 1902, and on June 20, 1902. A copy of the testimony taken in the matter of the application for the enrollment of Elvira B. Dannenberg, Cherokee doubtful case No. 1347, on June 25, 1902, is filed with this case and reference is made thereto.

The evidence shows that Louverna A. Dannenberg, a white woman, and Richard M. Dannenberg, a citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, were married in the year 1888. At the time of said marriage the said Richard M. Dannenberg had a wife living from whom he was not divorced and at the time of the application herein she was alive, an inmate of an asylum for the insane. Louverna A. Dannenberg is identified on the Cherokee census roll of 1896 and her two children by Richard M. Dannenberg, Fannie and Richard M. Dannenberg, Junior, are also identified on that roll. The name of Fannie Dannenberg is also found on the Cherokee strip payment roll of 1894.

The evidence further shows that Richard M. Dannenberg has lived in the Cherokee Nation all his life, that Louverna A. Dannenberg has lived with her husband in the Cherokee Nation ever since their marriage in 1888, and that their children, Fannie and Richard M. Dannenberg, Junior, are living with them. It is considered that the two children have lived continuously in the Cherokee Nation ever since their birth.

Section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495), provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 687 of the Compiled Laws of the Cherokee Nation(1892) provides:

"No marriage shall be contracted whilst either of the parties has a husband or wife living;----------"

Section 692 of the Compiled Laws of the Cherokee Nation(1892) is as follows:

"All marriages which are herein prohibited on account of consanguinity between the parties, on account of either of them having a former husband or wife then living, shall be absolutely void in this Nation, without any judgement of divorce or other legal proceeding; provided, that the issue from such unlawful marriage shall nevertheless be legitimate;----------"

It is, therefore, the opinion of this Commission that the application for the enrollment of Louverne A. Dannenberg as a citizen by intermarriage of the Cherokee Nation should be denied, and that Fannie Dannenberg and Richard H. Dannenberg, Junior, should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section Twenty one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby,
Acting Chairman.

(Signed) T. B. Needles,
Commissioner.

(Signed) C. R. Breckinridge,
Commissioner.

Dated at Muskogee, Indian Territory,
this Nov. 20, 1902.

Fi D1073

FILED
FEB 28 1962

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 27, 1902

Mr. Richard M. Dannenberg,

Tahlequah, Indian Territory,

Sir:-

You are hereby notified that the application of Louvinia Dannenberg and her two minor children

for enrollment as citizens of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 15 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with certificate from the Executive Secretary of record of marriage as to the marriage of Yourself to Louvinia.

Copy to William F. Rasmus, Tahlequah, I.T.
Cherokee D-1078
Register.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, June 9, 1902.

William J. Ramsus, Esq.,

Tahlequah, Indian Territory.

Sir:

Mr. Richard M. Dannenberg has been notified to appear before this Commission before June 24, 1902, and submit further evidence showing that his wife, Elvina, was not living at the time he married his present wife, Louvinia, if such was the case. Also to supply the Commission with the certificate of his marriage to his said wife, Louvinia, and to testify further regarding the residence of his children in the Cherokee Nation.

Yours truly,

Acting Chairman.

In answering refer to
Cherokee D 1075
Register

Muskogee, Indian Territory, June 9, 1902.

Mr. Richard Dannenberg,

Tahlequah, Indian Territory.

Sir:

You are required to supply this Commission with the certificate of your marriage to your wife, Louvinia Dannenberg, and also to submit further evidence, before June 24, 1902, showing that your former wife, Elvina, was not living at the time of your marriage to your present wife, if such was the case.

You are also required to testify further regarding the residence of your children in the Cherokee Nation.

Yours truly,

Acting Chairman.

In answering refer to
Cherokee D 1073
Register.

INDEXED £1073.

COMMISSION TO FIVE TRIBES.			
No.	Received	ANSWERED	
		Book	Page
23743			
1902	DEC 8 1902		

Rasmus, William F.,
Tahlequah, I. T.,
CHEROKEE. December 5, 1902.

---O---

Returns testimony in case of Louvinia Dannenberg, et al, and states that he is not representing these claimants.

File

COM...

ACTING CHAIRMAN

30 YEARS RESIDENT
AT TAHLEQUAH, I.T.

OFFICE
WILLIAM F. RASMUS
ATTORNEY AND COUNSELOR-AT-LAW
ROOMS 1 & 2 UP-STAIRS
OPP U S COURT HOUSE

...EN TO PROBATE ... GUARDIAN AND ADMINISTRATION AS ALSO, CHANCERY CASES

NOTARY PUBLIC, FOR THE NORTHERN JUDICIAL DISTRICT, INDIAN TERRITORY —THIRD TERM

Tahlequah, Cherokee Nation, Ind. Ter., Dec 5th 1907.

In Re. Cherokee L. 1073.

Hon. U. S. Commissioner
To the five Civilized tribes—
Muskogee, Ind. Ter.

Gentlemen:—

I am in receipt of yours of the 20th Ult. just to hand, with Enclosures as stated of, copy of supplimentary testimony taken October 16-1907. in the matter of application of Louvinia Dannenberg, et. al. &c— and which I herewith respectfully return, with the Explanation for So doing, that I am not the Atty. for Claimant— and on that point desire to further say, that, my original call for copy of testimony in the case was in connection with Several other cases, and was then inadvertantly done, and in receipting them Made that Explanation to that effect, after the Second Communication from the Commission, I turned all copies of testimony over to B. M. Dannenberg— therefore, you will please cancel

FIRST LICENSED TO PRACTICE IN 1879.

30 YEARS RESIDENT AT TAHLEQUAH, I.T.

OFFICE

WILLIAM F. RASMUS

ATTORNEY AND COUNSELOR-AT-LAW

ROOMS 1 & 2 UP-STAIRS
OPP U. S. COURT HOUSE

TO PROBATE ADMINISTRATORS

NOTARY PUBLIC, FOR THE NORTHERN JUDICIAL DISTRICT, INDIAN TERRITORY —THIRD TERM .....

(2)

Tahlequah, Cherokee Nation, Ind. Ter., ____ 190__

In Re _____ vs. _____

the record as to my being Attorney for the Applicants or for any one of them.—

Very Respectfully,

W. F. Rasmus.

1. Enclosure.

COPY.

Cherokee D-1073

Muskogee, Indian Territory, February 18, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, rejecting the application for the enrollment of Louverna A. Dannenberg as a citizen by intermarriage, and granting the application for the enrollment of Fannie and Richard M. Dannenberg Jr., as citizens by blood, of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Tams Bixby.

Acting Chairman.

Enc. M-96

Vinita, Indian Territory, February 24, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

As requested in the Commission's letter of the 20th instant, enclosed herewith please find the jacket and record in Cherokee case D-1073, Louverna A. Dannenberg, et al.

Respectfully,

Clerk in Charge.

Encl. P-51.

RP

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-1073

Muskogee, Indian Territory, March 10, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day forwarded to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of Richard M. Dannenberg for the enrollment of his wife, Louverna A. Dannenberg, as a citizen by intermarriage, and for the enrollment of his two minor children, Fannie and Richard M. Dannenberg Jr., as citizens by blood of the Cherokee Nation, including the Commission's decision, dated November 20, 1902, rejecting his application as to his wife, and granting his application as to his two minor children.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Chairman.

Land 17198-1903. COPY

Department of the Interior,

Office of Indian Affairs,

Washington, June 13, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Richard M. Dannenberg for the enrollment of Louverna A. Dannenberg as a citizen by intermarriage, and the enrollment of his two minor children, Fannie and Richard M. Dannenberg, Jr. as citizens by blood of the Cherokee Nation.

On November 20, 1902, the Commission rendered a decision in this case finding that the said Richard M. Dannenberg appeared before the Commission and made application for the enrollment of his wife, Louverna A. Dannenberg and for the enrollment of his two minor children, on January 29, 1901. The Commission finds under the evidence that the said Louverna A. Dannenberg, a white woman, and Richard M. Dannenberg, a citizen by blood of the Cherokee Nation who is identified on the Cherokee authenticated roll of 1880, were married in the year 1886; that at the time of said marriage the said Richard M. Dannenberg had a wife living from whom he was not divorced and at the time of the application herein she was living and an inmate of an asylum for the insane; that Louverna A. Dannenberg is identified on the Cherokee census roll of 1896, and her said

children are also identified on said roll; and that the name of said Fannie Dannenberg is also found on the Cherokee strip payment roll of 1894.

The Commission then finds, under section 687 of the Compiled Laws of the Cherokee Nation (1892), providing that -

"No marriage shall be contracted whilst either of the parties has a hus band or wife living,"

and section 692 of said laws providing that-

"All marriages which are herein prohibited on account of consanguinity between the parties, on account of either of them having a former husband or wife then living, shall be absolutely void in this nation, without any judgment of divorce or legal proceedings, provided that the issue from such unlawful marriage shall nevertheless be legitimate.

that said Fannie Dannenberg and Richard M. Dannenberg, Jr., should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495); and that the application for the enrollment of the said Louverna A. Dannenberg as a citizen by intermarriage should be denied.

The office has examined the evidence submitted in behalf of these applicants and finds that the facts set out in said decision by the Commission are in accord with said evidence, and the office therefore considers said decision correct and recommends that the same be affirmed by the Department.

Very respectfully,

W.A.Jones

W.C.B.(B). Commissioner.

D.C. 15475-1904. WCF JP FHE LRS

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

ITD 5114-1903. May 10, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On March 10, 1903, you transmitted the record in the matter of the application of Richard M. Dannenberg, for the enrollment of his wife, Louverna A. Dannenberg, as a citizen by intermarriage, and for the enrollment of his two minor children, Fannie and Richard M. Dannenberg, Jr., as citizens by blood of the Cherokee Nation, including your decision of November 20, 1902, rejecting said application as to Louverna A. Dannenberg, and granting said application as to Fannie and Richard M. Dannenberg, Jr. The original application included the name of Richard M. Dannenberg, who applied for the enrollment of himself; also the name of Joseph R. Dannenberg as citizens by blood of the Cherokee Nation. In your decision you adjudicated the rights of Louverna A., Fannie and Richard M. Dannenberg, Jr., and stated that the other parties are differently classified. They are therefore not embraced in this decision.

Reporting June 13, 1903, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The status of intermarried Cherokees not having been determined, the rights of Louverna A. Dannenberg will not be passed upon at the present time. Your decision holding that Fannie and Richard M. Dannenberg, Jr., should be enrolled as Cherokee citizens by blood, is affirmed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee D-1073.

Muskogee, Indian Territory, May 19, 1904.

Louverne A. Dannenberg,

Tahlequah, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated November 20, 1903, rejecting the application for the enrollment of yourself as a citizen by intermarriage, and granting the application for the enrollment of your two minor children, Fannie and Richard M. Dannenberg, Jr., as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior as to your said children on May 10, 1904.

Respectfully,

Commissioner in Charge.

M89

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
WM. O. BEALL,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1073

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 19, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated November 20, 1903, rejecting the application for the enrollment of Louverna A. Dannenberg as a citizen by intermarriage, and granting the application for the enrollment of Fannie and Richard M. Dannenberg, Jr., as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior as to said Fannie and Richard M. Dannenberg, Jr., on May 10, 1904.

Respectfully,

Commissioner in Charge.

Cherokee D-1073

Muskogee, Indian Territory, May 19, 1904.

Ridge Pascal,

Attorney for Louverna A. Dannenberg, et al.,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 1, 1903, rejecting the application for the enrollment of Louverna A. Dannenberg as a citizen by intermarriage, and granting the application for the enrollment of Fannie and Richard M. Dannenberg, Jr., as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior as to said Fannie and Richard M. Dannenberg, Jr., on May 10, 1904.

Respectfully,

Commissioner in Charge.

(COPY)

D.C. 53186-1906. Y.P.

DEPARTMENT OF THE INTERIOR

WASHINGTON. FHE.

I.T.D. 5114-1903. November 28, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Referring to departmental letter of May 9, 1904, in the matter of the application for the enrolment of certain persons as citizens of the Cherokee Nation, including Louverna A. Dannenberg as a citizen by intermarriage, in view of the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, appealed from the Court of Claims, the application for the enrolment of said Louverna A. Dannenberg is denied. The claims of the other applicants were disposed of in said letter.

The papers in the case have been sent to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

6 inc. for Ind. Of.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
D 1073

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 13, 1906

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated November 20, 1906, denying the application of Louvinia A. Dannenberg for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 28, 1906.

For your information a copy of the Departmental decision referred to is herewith enclosed.

Respectfully,

Commissioner.

Encl. B-72

Cherokee
D1075

Muskogee, Indian Territory, December 13, 1906

Louvinia A. Dannenberg,

Tahlequah, Indian Territory.

Dear Madam:

You are advised that the decision of theCommission to the Five Civilized Tribes dated November 20, 1902, denying your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department on November 28, 1906.

For your information a copy of the Departmental decision referred to is herewith enclosed.

Respectfully,

Encl. B71

Commissioner

Cherokee
D-1073.

Muskogee, Indian Territory, December 14, 1906.

Ridge Pascal,

Attorney for Louverna A. Dannenberg,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, rejecting the application for the enrollment of Louverna A. Dannenberg, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, November 28, 1906.

For your information a copy of Departmental decision referred to is enclosed herewith.

Respectfully,

Encl.H-77
JMH.

Commissioner.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1073

Muskogee, Indian Territory, February 18, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, rejecting the application for the enrollment of Louverna A. Dannenberg as a citizen by intermarriage, and granting the application for the enrollment of Fannie and Richard M. Dannenberg Jr., as citizens by blood, of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. M-96

D 1073

Original testimony Jany 29/01

Memo. Application Jany 29/01

Letter instructions to attorneys

Receipt for testimony

D 1073

Brief of final consideration, 3/15/01

Brief for appellants

Cher D 1074

Cher D 1074

1078

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 31 1901

Acting Chairman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. January, 28th 1901.

In the matter of the application of John A. Reaves, for the enrollment of himself and wife as Cherokee citizens. He being first duly sworn before Commissioner T. B. Needles, testifies as follows—

Q What is your name? A. John A. Reaves.
Q What is your age? A. I am 59.
Q What is your post office address? A. Muskogee.
Q What district do you live in? A. I am living here in town now.
Q Are you a recognized citizen of the Cherokee Nation? A. I have been.
Q Are you now? A. Yes sir.
Q By blood? A. Yes sir.
Q Who do you desire to have enrolled? A. Myself and wife.
Q What is her name? A. Martha A.
Q Is she a Cherokee citizen by blood? A. No sir.
Q What is her age? A. 44.
Q When were you married to her? A. In '69.
Q Is your name on the 1880 roll? A. No sir.

1896 roll, page 62, No. 1684, John A. Reaves, Canadian district.
1896 " 92, " 340 , Martha Reaves, " "

Q Did you draw Strip money in 1894? A. Yes sir.

1894 roll, page 86, No. 1814, John Reaves, Canadian district.

Q How long have you lived in the Cherokee Nation? A. 13 years about.
Q What degree of blood do you claim? A. 1/16.
Q Where did you come from to the Cherokee Nation thirteen years ago?
A. From Texas.
Q Have you ever been admitted to citizenship in the Cherokee Nation?
A I thought so.
Q Did you apply to the Dawes Commission in the year 1896? A. No sir.
Q Did you live in the Cherokee Nation previous to coming here some thirteen years ago? A. Yes sir.
Q When did you leave the Cherokee Nation and remove to the state of Texas? A. In '54.
Q And staid in Texas until thirteen years ago? A. Yes sir.

By Mr. W. W. Hastings, Cherokee Representative—

Q Were you admitted to citizenship by the Court of Council? A. By Council.

ALEXANDER JORDAN, called and sworn as a witness, testified as follows
Examined by Commissioner T. B. Needles,

Q What is your name? A. Alexander Jordan.
Q What is your age? A. 65.
Q What is your post office address? A. Muskogee.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q Do you know John A. Reaves? A. Yes sir.
Q Do you know anything about his re-admission to Cherokee citizenship?
A I know that his sister mother is a sister of mine, and that at the time of the Old Settler Payment—— my sister had married a man named

Polk after Reaves' father had died---Polk was his step father and he was called Polk and put down on the Old Settler roll as John Polk instead of John Reaves, and when he came back here from Texas where he had gone some time before, he tried to get on the roll under the name of John Reaves, and they had some trouble and I went to Tahlequah and identified him as the same man whose name was down as John Polk. That is about all that I know about it.
Q Did he apply for readmission to the Council? A. Yes sir.
Q What did the Council do? A. Council passed him----I went before the Committee and identified him as the same man who was on the Old Settler roll as John Polk.

By Mr. W. W. Hastings.

Q When was that? A. I don't remember the exact date, but it was some twelve or thirteen years ago.
Q I want to call your attention to the fact that a citizenship court was established in 1886 to hear citizenship cases and that it heard them until about 1889 or '90, and that during that time Council never passed on any cases of that kind. A This was in 1888 I think it was that he went before Council.
Q Did you not know that there was a citizenship court at that time and that they had a regular docket, and kept a record of all the applications that came before them? A. I never did, I applied for readmission and I was re-admitted and I never put in any regular application for citizenship but simply applied to be readmitted.

By the Commission:

Q You have a certificate of re-admission havn't you? A. No sir.

By Mr. Hastings-

Q That was before 1880? A. Yes sir.

By the Commission-

Q Then your name is on the 1880 roll? A. Yes sir.

BY MR.HASTINGS:-"Well that is the reason you dont need a certificate."

STATEMENT BY THE APPLICANT:
" I have a brother that was re-admitted before me and also a brother and a half brother that was re-admitted after me and they have their papers."

WALTER S. AGNUE, called and sworn as a witness, testified as follows:
Examined by Commissioner T. B. Needles-

Q What is your name? A. Walter S. Agnue.
Q What is your age? A. 58.
Q What is your post office address? A. Muskogee.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q By blood? A. Yes sir.

Q Do you know John A. Reaves? A. Yes sir.
Q Please state any facts that you may know of his re-admission to Cherokee citizenship. A Well he placed his case in my hands; I was a member of the Council at the time and I presented the claim before the Committee on Citizenship and the claim passed council, and they had some little squabble about his name being on the Old Settler roll as John Polk and he wanted to get on as John Reaves. He claimed that his name was John Reaves and that he wanted to get on as that and after some trouble over it they passed it all right. He was identified as the same person whose name was on the Old Settler roll as John Polk. It was passed all right and was published in the Cherokee Advocate; I saw it there in print.

By Mr. Hastings-

Q You was a Senator from 1889 to 1890——or rather during 1889 and 1890? A. Yes sir. Q What time was it that this claim was passed? A. I don't remember exactly, but I think that it was the last regular session of the Council of 1888.
Q That was before you was a Senator? A. I went before the Committee with the claim.
Q Was that before you was a Senator? A. Yes sir.
Q Was the Adair Court in session at that time? A. Yes sir.
Q Why didn't you present that case to the Adair Court; didn't you know that they were trying cases of this kind? A. The council was also taking them up—they took up several cases of this kind while the Adair court was in session.
Q What reason did you have for presenting it in the way that you did and not going before the court that had been established to try cases of this kind? A. Because he was applying for re-admission, and not for citizenship. He had lived here before and had come back and was only applying to be re-admitted and not for citizenship. The Adair Court was established to try cases that were for citizenship and not for those who wanted to be re-admitted; Council tried those kind, was my understanding.
Q The Adair court had jurisdiction over just such cases, and it was the duty of that court to re-admit persons to citizenship as well as to try regular citizenship cases, was it not? A. My opinion was that it was to try regular citizenship cases and that the Council was the place to apply for re-admission.

By the Commission-

Q Have you ever examined the proceedings of that council since then to see if there was any record of this case? A. Yes sir, and looked for two days and could not find it. There is no record there of any of the proceedings of that session, they seem to have been lost or distroyed. We could not find them.

By Mr. Hastings.

Q Who was Clerk of your Senate that year? A. Baxter Shoat.
Q Are there no records of the proceedings of Council for that year? A. No sir, we looked over all the records there and the Journal of the House is missing for that session.
Q Was the Journal for the Senate for that year missing also? A. No sir it is there, but the one for the House is not there.

Q Could you not tell from the Journal of the Senate where they had concurred,in what the House had done with the bill? A. No sir you cannot tell from that for the Journal of the Senate simply says " Council Bill number so and so, concurred in. " and you cannot tell from that what the bill contained, the only way to tell that is to see the Journal of the Council where the bill was started. The Council Journal is the one I hunted for— me and Walter Fields hunted for it for two whole days and looked over all the records there and could not find it. We looked through everything except in a desk there that he said he had lost the keys to and that had not been opened for years. There are some books in there that we did not examine because we could not get at them, but all the others that are there we looked at and could not find anything about this case, or about any of the proceedings for the Council of that year——they are not there.

RICHARD NEAL, being called and sworn as a witness, testified as follows-
Examined by Commissioner T. B. Needles-

Q What is your name? A. Richard Neal.
Q What is your age? A. 64.
Q What is your post [redacted] office address? A. McLain, I. T.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q Do you know John A. Reaves? A. Yes sir.
Q State what facts you know of his re-admission to citizenship by the Cherokee Council. A I was a member of the Council at that time, and it came up while I was there. I don't remember much about it, except that it came up and was passed after some little trouble over the name. Council was doing that kind of work more or less all the time and this case did not attract my special attention except that I recollect that there was some trouble over his name and that at last he was re-admitted through council. I dont know that I paid much attention to it at the time.

By Mr. W. W. Hastings-

Q Do you know that he was re-admitted? A. That is my recollection.
Q Was he re-admitted in an act all by himself? You know that sometimes there are several families embodied in one act and some times there is only one, do you know how this act was? A. I cannot say as to that. Mr. Agnue was Chairman of the Committee at the time I believe and he presented the matter there, and they seemed to be having some trouble about the name. I believe he was on the Old Settler roll as Polk and he wanted to be re-admitted under his name of John Reaves, and there was one of the members named Ross that held out a good while against admitting him as Reaves——he was down as John Polk.

By theCommission-

Q Did you ever examine to records yourself to see if there was anything to show that he was re-admitted by council? A. No sir.

By Mr. Hastings-

Q Who was Clerk of the Council then? A. Walter Fields I believe.

By W. W. Hastings of Applicant John A. Reaves:-

Q Is it not possible that you were admitted with some other people? Sometimes these bills would include five or six families and be under the heading of the first one and in looking over the records it is possible that you could not find your name because the bill which admitted you was headed with some other name than yours and that you were included in the body of the bill. A. Yes sir it might be, but I had men look after it and they said that they had looked over everything and could not find it. I written to this man Alberty and he said that he had not been able to find anything there of it. I seen two or three members of the Council who were there when the case was up and they all say they remember of its being up and of council having passed it.
Q How long did you say you had been here in the Cherokee Nation this last time? A. Thirteen years.
Q Have you been here continuously for thirteen years since coming back from Texas? A. Yes sir, and I was here when I was a boy before I went to Texas——I drew money at Gibson when I was a boy.
Q Why didn't you put your case in before the court that had jurisdiction over such cases instead of going to council? A. I went over there and presented my case to Council members and they said they would look after it and I left it with council and came right back here.
Q And they afterwards told you that you were re-admitted? A. Yes sir and I saw it in the Cherokee Advocate——I remember reading it in there over at Bever's store.
Q Why dont you search for the files of the Advocate and see if you cannot find a copy of the paper that had a report of those proceedings?
Q It has been looked over and cannot be found.

* * * The name of John A. Reaves appears on the census roll of 1896 and on the pay roll of 1894 as a Cherokee citizen by blood; the name of his wife Martha A. appears on the census roll of 1896 as an intermarried white. Neither his name nor the name of his wife appears on the authenticated roll of 1880. Testimony has been given as to his re-admission, which is referred to. By reason of no positive proof as to his re-admission to Cherokee citizenship, final judgment as to his enrollment as a Cherokee citizen by blood, and as to the enrollment of his wife Martha A. as a Cherokee citizen by inter-marriage, will be suspended and their names will be placed on a doubtful card.

§ § § § § § § § § § § § § § § § §

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 30th of January, 1901.

Commissioner.

I, F. D. Green, do hereby certify that as stenographer to the Commissioners of the City of Cleveland, Ohio, I correctly reported the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

COMMISSION

FILED

1902

CHAIRMAN.

R

C. D-1074

Department of the Interir,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 15,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of John A. Reaves for the enrollment of himself as a Cherokee citizen.

Appearances:
Applicant in person, and by Thomas Owen, Muskogee, I.T., attorney for applicant;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 27th,1902, that his application for the enrollment of himself and wife as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 15th dayof March,1902. Receipt has been asknowledged of the Commission's letter, and the applicant this day, to-wit: the 15th dayof March,1902, appears in person and by attorney, Thomas Owen.

JOHN A. REAVES, being first duly sworn and being examined testified as follows:
BY MR. OWENS:
Q What is your name? A John A. Reaves.
Q How old are you? A I am 59 years old.
Q Whatis your post office address at present? A Muskogee.
Q Are you a Cherokee Indian by blood? A Yes sir, always been considered that.
Q Have you ever been recognized as a Cherokee citizen? A I have, yes sir I have been, always since I havebeen here been recognized as a Cherokee citizen.
Q When were you first recognized as a Cherokee citizen,or exercised rights as a citizen? A When I was about 9 or 10 years old.
Q Through what source do you get your Cherokee blood? A My mother.
Q What was your mother's name? A Elizabeth Jordan before she was married.
Q How many times was she married? A Married three times.
Q What was the name of her first husband? A Dimer Reaves.
Q Was that your father? A Yes sir.
Q What was the name of your second husband? A Benjamin Pope.
Q What was the name of her former husband? A Bain.
Q Do you own any property in the Cherokee Nation? A Yes sir.
Q What does it consist of? A A few head of cattle and a place.
Q Farm? A Yes sir, farm.
Q How long have you owned that farm? A I have only owned that farm about three years.
Q Have you ever owned any farm or real property in the Cherokee Nation before you bought this one? A Yes sir, I made a farm here.
Q When? A I commenced it in 1889.
Q That was the first property you owned in the Nation? A Yes sir, in the way of land.
Q Where was your mother born? A Well sir, my mother I think was born in the Old Nation.
Q Do you know when she first came to the Nation? A Why no sir, I couldn't say exactly; she came amongst the Old Settlers that first came to this country.
Q Was she one of the Old Settler Cherokees? A Yes sir.
Q Have you ever participated in any of the Cherokee payments? A Yes sir, all of them, that is, since I have been here.
Q Did you participate in the Old Settler Payment? A Yes sir.
Q Strip payment? A Yes sir. (Hands attorney a paper.)
Q In what year were you born? A Well sir, I was born in '42, I believe.
Q Do you know whether or not your mother's name appears on the roll of '51 as a Cherokee? A That was the Old Settler roll?
Q I think so, yes? A Yes sir, I suppose it is.

Q What was her name at that time? A Elizabeth Pope.
Q What were the names of her children at that time? A John, William, Dimer and Andy.
Q What is your first name? A John.
Q Are you the John that is on that roll? A Yes sir.
Q Do you know whether your name appears on the roll of 1896? A Yes sir, it does.
Q Have you anymiddle name? A Well, yes sir.
Q What is it? A Alex, generally sign my name, John A. Reaves.

BY MR. HASTINGS:

Q Did you go to Texas during the war or just before? A I went to Texas before the war.
Q About how long? A Well I couldn't tell you, Mr. Hastings, how long.
Q And come back about '88 or '9? A Come back in the fall of '88.
Q Married in Texas? A Yes sir.
Q When were you married? A I was married in 1869.

JOHN D. JORDON, being first duly sworn and being examined testified as follows:

BY MR. OWEN:

Q What is your name? A John D. Jordon.
Q How old are you? A 48 years old, the 7th day of this month.
Q What is your post office address at this time? A Ramonia.
Q Are you a citizen of the Cherokee Nation? A I am.
Q Do you know John A. Reaves? A Yes sir.
Q Do you know whether he is a Cherokee by blood or not? A No sir, but my understanding is that he was, been my teaching ever since I have been big enough to know him; I have known him all my life.
Q Are you related to that family? A Yes sir.
Q What was his mother's name before she was married? A Her name was Jordon.
Q What relation is she to you? A My own aunt.
Q You know whether his mother was an Old Settler Cherokee or not? A Best of my knowledge she was.
Q That is your understanding is it? A Yes sir.
Q You know what part Cherokee he is? A Well I suppose about one-sixteenth.
Q Has he been recognized as a Cherokee citizen? A He has ever since he had been here, enjoyed all the rights and privileges of other Cherokees.
Q How long has that been? A Ever since 1888, I think, best of my knowledge, '88 or '9.
Q You know whether he was re-admitted to citizenship or not when he came back from Texas? A It is my understanding that he was, by authority through members of our National Council.
Q Did you appear before Council for him? A No, I went there in the spring of '89, I reckon; we thought probably we could get his claim in, but I think it was an extra session of Council and we couldn't do anything with it.
Q You were not a witness when he was finally admitted? A No, I don't think I was.
Q You never knew him in the Cherokee Nation until '88 or '89? A No sir.
Q You didn't know him before the war? A No sir.

BY MR.OWEN:

Applicant offers a certificate of B.W.Alberty, shewing that his name appears upon the roll of 1851, together with the name of his mother, whose name at that time was Elizabeth Pope.

BY COMMISSION: Same will be filed and made part of the record.

BY COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation present submit the case. Same is deemed completed, and will be reported to the Commission for final decision, based upon the evidence now of record.

D 1074 3

The attorney for the applicant requests and will be granted 15 days in which to file a brief in this case, one copy with the Commission and one copy with the representative of the Cherokee Nation.

I,M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D. Green

COMMISSION TO THE [illegible] CIVILIZED TRIBES

FILED

JUN 23 1902

ACTING CHAIRMAN

D-1074.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 12, 1902.

In the matter of the application of John A. Reeves et al for enrollment as Cherokee citizens, D-1074.
In the matter of the application of Charles B. Reeves et al for enrollment as citizens of the Cherokee Nation, D-1117.
In the matter of the application of Mollie E. Parr et al for enrollment as citizens of the Cherokee Nation, D-1076.

APPEARANCES:
John A. Reeves in behalf of applicants.
W. W. Hastings in behalf of Cherokee Nation.

COMMISSION: On the 9th day of June, 1902, John A. Reeves was notified by registered letter to furnish the Commission with a certificate of his readmission to citizenship in the Cherokee Nation, and also with a certificate of his marriage to his wife, Martha A. Reeves.
On the 7th day of June, 1902, Charles B. Reeves was notified by registered letter to furnish the Commission with evidence as to his admission to citizenship in the Cherokee Nation, also evidence as to his marriage to his deceased wife, Ella.
On the 9th day of June Mollie E. Parr was notified by registered letter to furnish the Commission with evidence of her admission to citizenship in the Cherokee Nation.
The applicants this day, to wit the 12th day of June, 1902, appear by John A. Reeves.

JOHN A. REEVES, being first duly sworn, testified as follows:

COMMISSION: Your name is John A. Reeves? A Yes, sir.
Q What is your postoffice address? A Mjskogee.
Q You are the father of Mollie E. Parr and Charles B. Reeves? A Yes, sir.
Q Where were you born, Mr. Reeves? A I was born in Texas.
Q When did you come to the Cherokee Nation for the first time? A First time I come here when I was about nine years old; I couldn't tell you the year, I can cite you to the time I come here, about twelve months before the old settlers was paid out the first time.
Q How long did you continue to reside here at that time? A As well as I recollect I think we stayed here three years.
Q Then where did you go? A I went back to Texas.
Q How long did you live in Texas? A Well, sir, I lived in Texas till about - I come back here fourteen years ago last fall; my mother had been in here time and again, my mother died here.
Q Where were your two children born? A They was born in Texas.
Q Did you ever apply to the council for readmission to citizenship? A I did, sir.
Q What action, if any, did the council take? A Well, sir, the best proof that I can get that it went through the lower house of the council, but never can find no records where it went through the Senate, no records of it at all.
Q Where were you married to your wife? A I was married in Texas?
Q In what county? A I was married in Nachadokies County.
Q Well have you examined the records of the county down there in order to ascertain whether or not your marriage license which was issued to you authorizing your marriage to your wife, has been filed for record there? A Yes, sir, I have written to both counties,

we got our license in Cherokee County, and was married in Muskogee County, and I tried both counties.
Q And you couldn't get any certified copy of it? A I couldn't get it there; couldn't be found.
Q Have you and your wife always lived together since your marriage?
A Yes, sir.
Q Living together at this time? A Yes, sir.
Q Now where was your son, Charles B. Reeves, married? A He was married in Canadian District, here in the Cherokee Nation.
Q Who married him? A Parson Sparks, I believe, lives at Vinita.
Q When was he married? A Well, sir, I couldn't tell you without going to the records and looking; I couldn't tell you; Mr. Nisely here, they was married at his house; proof can be gotten by him.
Q How often have you participated in Cherokee payments since your return to the Cherokee Nation thirteen odd years ago; have you ever drawn any money other than the Cherokee strip money in 1894?
A Yes, sir, I drew I think it was thirteen or sixteen dollars, they called the grass money, here once.
Q What district were you living in at that time? A I was living in Canadian District, I drew the old settler money, the last old settler payment.
Q Did you have a child named William T. Reeves? A Yes, sir.
Q Living or dead? A Dead.
Q Have you a daughter named Mary E.? A Yes, sir.
Q Living? A Yes, sir.
Q Is that now Mollie E. Parr? A Yes, sir.
Q Did you have a child named Effie M.? A Grand-child; that's Charles' child.

The applicant is identified on the 1899 Cherokee Pay roll on page 265, as J. A. Reeves.
Mollie E. Parr is identified on said roll on page 265, as Mary E. Reeves.
Charles B. Reeves is identified on said roll on page 265, as Charley Reeves, and his daughter is identified thereon as Effie M. Reeves.

Q Now this payment and the 1894 payment were the only payments that you ever participated in, were they not? A Three payments.
Q That is, aside from the old settler payment? A Yes, sir.
Q That wasn't a citizenship roll. A No, sir.

1894 roll, page 86, No. 1814, John Reeves, Canadian District.
1894 roll, page 86, No. 1815, Charles Reeves, Canadian District.
1894 roll, page 86, No. 1818, Effie M. Reeves, Canadian District.
1894 roll, page 86, No. 1817, Mollie E. Reeves, Canadian District.

MR. HASTINGS: What is the name of Charles' wife? A Ellen.
Q What was her maiden name? A Whitley.
Q Where were they married? A They was married here in Canadian District, down about McLane.
Q About what year? A Well, sir, about '88 or '89, I don't know which.
COMMISSION: It will be necessary for your son, Charles B. to furnish us with evidence of his marriage? A He knew that; he is off today, and I'll send him up there as soon as he comes back. The evidence from Mr. Nisely, where he was married, I suppose would be

sufficient, at the house?
Q Yes. A All right, and I will try again about - try to get the proof about her marriage if you wanted - thought it was necessary.
Q Well you had better bring in several witnesses here who know that you and your wife have been living together continuously since you have been living here in the Cherokee Nation. A Well I could do that very easily.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 18th day of June, 1901.

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 27 1902

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 23, 1902.

In the matter of the application of John A. Reeves et al. for enrollment as Cherokee citizens, D-1074.
In the matter of the application of Charles B. Reeves et al. for enrollment as Cherokee citizens, D-1117.
In the matter of the application of Mollie M. Parr et al. for enrollment as Cherokee citizens, D-1076.

Merriam Halton, being sworn and examined by the Commission, testified as follows:
Q What is your name? A Merriam Halton.
Q What is your postoffice address? A Muskogee.
Q Are you acquainted with the applicant in this case, John A. Reeves and Martha Reeves? A Yes sir.
Q How long have you known them? A I have known Mrs. Reeves since '72 and Mr. Reeves all my life.
Q Do you know when they were married? A Yes sir.
Q When? A They were married a year or two before '73; I don't know how long, may be two or three years.
Q Did you see them married? A No sir.
Q How long after the marriage when you first saw them? A They had one child about eight months old.
Q When you saw them the first time? A When I saw them together; I saw Mr. Reeves and his father-in-law a year before that together.
Q Have they been living togther continuously since that time? A Yes sir.
Q Are they living together now? A Yes sir.
Q Are they generally recognized throughout the community as man and wife? A Yes sir.
Q Do you know Charles B. Reeves? A Yes sir.
Q Do you know Mollie M. Parr? A Yes sir.
Q Are they the children of John A. Reeves by his wife Martha? A Mollie is.
Q By Charley by a different wife? A Yes sir, first wife.
Q What was his first wife's name? A Burkes.
Q Was she a white woman? A As near as I know she was.
Q She wasn't of Cherokee blood? A No sir, never claimed to be.
Q Do you know when he was married to his first wife? A No sir, I don't know exactly when. It was in the '60s somewhere I think. It was in the '60s, I don't know what date.
Q Did you know them living togther as man and wife, Mr. Reeves and his first wife? A Yes sir.
Q Did you ever visit them while they were living together as man and wife? A No sir.
Q Were they recognized in the community as husband and wife? A Yes sir.

Alex Jordan, being sworn and examined by the Commission, testified as follows:
Q What is your name? A Alex Jordan.
Q How old are you? A I am 65 years old, going on 66.
Q What is your postoffice address A Muskogee.
Q Do you know John A. Reeves, the applicant in this case? A Yes sir.
Q How long have you known him? A I have knowed him ever since I knowed anybody, he is a neighbor of mine. I am about five or six years older than he is.
Q How long have you known his wife? A Why his present wife I have known her I reckon ever since '66 or '67, I don't recollect exactly.
Q You know when they were married? A No sir, I do not; they were married about 60 miles below where I lived and they were married-I think they were married about six or seven months when

they came to where I lived; his mother lived close to me; that was the first time I ever saw her, that was his present wife.
Q About how long ago was that? A They must have been married about '65 or '66, about '66 I think.
Q His first wife? A I mean his present wife; his present wife I expect they were married some time in '66 or '67, I don't recollect the date.
Q How long have you known them to live together as man and wife?
A You see there was a space of ten or twelve years, a space of about eight or ten years I wasn't close to them; I come to this country and left them in Texas.
Q When you left Texas were they living together as man and wife?
A Yes sir.
Q Were they living together as man and wife when you saw them next in the territory the first time? A Yessir, they had been here fifteen years.
Q And since that time had they always been living together as man and wife? A Yes sir.
Q Did you know Mr Reeves' first wife? A Yes sir.
Q Do you know whether or not he was married to her? A Ididn't see them married but I am satisfied they were married.
Q Did you see them living together as man and wife? A Yes sir, until she died.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. E. Rothenberger

Subscribed and sworn to before me this 26th day of June, 1902.

E. E. Foster

Notary Public.

Cherokee D 1074.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 28, 1902.

In the matter of the application of John A. Reaves for the enrollment of himself as a citizen by blood, and for the enrollment of his wife, Martha A. Reaves, as a citizen by intermarriage, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

JOHN A REAVES, being sworn, testified as follows:

By the Commission,

Q What's your name, Mr. Reaves? A John Reaves. John A.
Q How old are you, Mr. Reaves? A Sixty years old.
Q What's your postoffice address? A Muskogee.
Q Are you a recognized citizen by blood of the Cherokee Nation?
A I have had trouble since this Dawes Commission come here. We have had a little trouble about it. I have been for about fifteen years.
Q You claim to be a citizen by blood? A Yes, sir.
Q You were admitted by the Council? A Well, I was supposed to be.
Q What's your wife's name? A Martha A.
Q She a white woman? A Yes, sir.
Q She an applicant for enrollment as an intermarried citizen?
A Yes, sir.
Q When were you married to your wife, Martha A.? A I was married in 1869.
Q Where were you married to her? A In Nagadocius County, Texas.
Q How long after your marriage before you came to the Cherokee Nation? A Well, sir, it is about fifteen years or over.
Q And were you admitted after you came here? A I thought so unti this thing. I have been recognized as a Cherokee.
Q Had you ever been married before you married your wife, Martha?
A Yes, sir.
Q How many times? A One time.
Q What was your first wife's name? A Malvina Burks.
Q Was she living or dead when you married your wife, Martha?
A She was dead.
Q Had Martha ever been married before her marriage to you?
A No, sir.
Q You're her first husband, and she's your second wife? A Yes, sir.
Q Have you and your wife, Martha, lived together from the time of your marriage up to the present time? A Yes, sir.
Q Never have been separated? A No, sir.
Q Living together as husband and wife on the first day of September, 1902? A Yes, sir.
Q How long have you and she lived in the Cherokee Nation, Mr. Reaves? A About fifteen years this fall, I think.
Q Lived in the Cherokee Nation all the time for the last fifteen years? A No, sir, I am living in Muskogee at the present time.
Q How long have you been living in Muskogee? A I have been here for two years the present time. I have been living off and on for seven years.
Q You have lived in the Cherokee Nation part of the time, lived part of the time in the Creek Nation, but you have lived in the Indian Territory all the time? A Yes, sir.

Q You lived in the Cherokee Nation about eight years before you came here? A Yes, sir.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 4th day of December, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John A. Reaves, et al., as citizens of the Cherokee Nation, consolidating the applications of

John A. Reaves et al	Cherokee D-1074
Mollie E. Parr	Cherokee D-1076
Charles B. Reaves et al	Cherokee D-1117

D E C I S I O N.

The record in these several cases shows that the following named applicants appeared before the Commission at the places hereinafter designated and made personal application for the enrollment of the following named persons as Cherokee citizens:

On January 29, 1901, John A. Reaves appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself as a citizen by blood of the Cherokee Nation. The application also included Martha A. Reaves, for enrollment as a citizen by intermarriage of said Nation, but her status as such has not been passed upon at this time, and she is not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 15, June 12, June 23, and October 28, 1902.

Mollie E. Parr, at Muskogee, Indian Territory, on January 29, 1901, made application for the enrollment of herself as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 19, June 12, and June 23, 1902. On June 5, 1902, there was filed with the Commission an affidavit duly executed by Mollie E. Parr on March 16, 1902, from which it appears that John R. Parr was born on March 16, 1902; that he is the child of said Mollie E. Parr and that he was living at the date of the execution of the affidavit.

Charles B. Reaves at Muskogee, Indian Territory, on February 19, 1901, made application for the enrollment of himself and his minor child, Effie M. Reaves, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 19, June 23, and June 28, 1902.

The evidence shows that John A. Reaves is a Cherokee Indian, and he is identified on the roll of Old Settler Cherokees taken in 1851, and also on the Cherokee pay rolls of 1890 and 1894, and on the Cherokee census roll of 1896.

Mollie E. Parr and Charles B. Reaves are the children of said John A. Reaves, and are identified on the Cherokee pay rolls of 1890 and 1894 and on the Cherokee census roll of 1896.

Effie M. Reaves is the minor child of said Charles B. Reaves, and she is identified on the Cherokee census roll of 1896.

The evidence further shows that John A. Reaves, the applicant in chief, left the Cherokee Nation in 1854, being at that time twelve years old. He returned to said Nation in 1888, and has resided continuously therein since that time. It further appears that the other applicants herein are his descendants, and those returning with him to the Cherokee Nation in 1888 were minors. It is further shown that they have resided continuously in said Nation since that time. Effie M. Reaves and John R. Parr were born subsequent to the return of the other applicants herein, and they have lived continuously in the Cherokee Nation since their birth.

It is the opinion of this Commission that, following the decision of the Department in the case of Joseph D. Yeargain, et al., (I.T.D. 2900-1903), John A. Reaves did not forfeit or abjure his Cherokee citizenship during his absence from the Cherokee Nation. Therefore, John A. Reaves, Charles B. Reaves, Effie M. Reaves, Mollie E. Parr and John R. Parr, should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

(SIGNED) W. E. Stanley.
Commissioner.

Dated at Muskogee, I. T.,
this SEP 11 1903

D E P A R T M E N T O F T H E I N T E R I O R,

Commission to the Five Civilized Tribes,

Vinita I. T. March 31, 1903.

In the matter of the application of John A Reaves et al for enrollment as citizens of the Cherokee Nation; consolidating the cases of:

John A Reaves et al----------Cherokee D 107;

Mollie F Parr, Cherokee---------- D1076

Charles B. Reaves- Cherokee ----------D 1117

Protest of the Cherokee Nation.

Comes now the Cherokee Nation and protests against the decision of the Commission to the Five Civilized Tribes in the above case rendered on March 2nd 1903 and asks that the same be forwarded to the Honorable Secretary of the Interior for Review.

The testimony of the Principal Applicant John A Reaves shows that he left the Cherokee Nation in 1864 and that he came back to the Cherokee Nation about thirteen years before he applied to the Commission in 1901 which would have made it in 1888 and that between the years 1864 and 1888, or a period of twenty-four years he was a citizen and resident of the state of Texas he married there where the other two applicants Mary F Parr and Charles B. Reaves wereborn. The testimony is that they all came to the Cherokee Nation about 1878 or 1879; the applicant when he first applied to the Commission insisted that he had been readmitted to citizenship in the Cherokee Nation but no proof whatever was ever submitted to the Commission tending to show that he was ever readmitted to citizenship in the Cherokee Nation although his application for readmission shows that the applicant himself knew that it was necessary under the Cherokee Law and constitution to be readmitted to citizenship in the Cherokee Nation. The fact that his name appears on the old settler roll of 1851 is no evidence whatever of his citizenship in the Cherokee Nation as it is well known that the old settler roll was not a roll of resident citizens of the Cherokee Nation but that the names of many non residents in Texas and California and else where appear upon that roll. The applicant admits that he left here in 1864 and that he did not return until 1868 or 1869; that during this

period of twenty four years he was a resident of the State of Texas. Now the act of June 10 1896 and subsequent acts of Congress makes it imperative that the Commission shall respect all laws and customs of the Cherokee nation in making the roll of citizens of the Cherokee Nation. Section two Article one of the Cherokee Constitution provides: "Whenever any citizen shall remove with his effects out of the limits of this nation and becomes a citizen of any other Government all his rights and privileges as a citizen of this nation shall cease; Provided Never the less that the National Council shall have power to readmit by law to allof the rights of Cherokee citizenship any such person"etc.

The applicant had no effects in the Cherokee nation; he became a citizen and resident of the State of Texas; married there; his children were born there; all of his rights and privileges as a citizen of the Cherokee nation ceased and he recognized that it was necessary for him to memorialize the National Council for readmission to citizenship in the Cherokee nation. He did this but he was not readmitted and the Cherokee Nation therefore contends that the names of applicants appear upon the rolls of 1894 and 1896 "Without authority of law.". How could they lawfully be upon these rolls when they were not citizens and were never readmitted in accordance with the Constitution and laws of the Cherokee Nation. The Commission admits these families because their names do not appear upon a list of intruders furnished under article Two of the Agreement entered into by and between the Cherokee nation and the United States of date December 19 1891 and ratified by Congress March 3, 1893 but the Commissioner of Indian Affairs held that this was no reason for the admission of any person and his opinion was affirmed by the Secretary of the Interior in Strong language in the case of Joseph E Ladd et al Cherokee 470, to which opinion reference is made.

If the Cherokee Constitution and laws are to be respected as the Congress of the United States in the act of June 10 1896 says shall be we do not see how the applicants should under the law be entitled to be enrolled as citizens of the Cherokee nation without having been readmitted to citizenship in the Cherokee nation by some authority having jurisdiction and it is further contended that their names appear upon the rolls of 1894 and 1896 "Without authority of law", they not having been readmitted to citizenship in the Cherokee nation as was contended by them when they first appeared before the Commission in 1900 and we submit that their names should now be omitted from the rolls.

Respectfully, W W Hastings Atty Cherokee Nation.

C.F.B. Cherokee D 1074

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, IND. TER. JANUARY 8, 1907.

In the matter of the aplication for the enrollment of MARTHA A. REAVES as a citizen by intermarriage of the Cherokee Nation.

APPEARANCES: Applicant appears in person:
Cherokee Nation represented by HM.Vance, on behalf of W. W. Hastings, Attorney.

MARTHA A. REAVES being first duly sworn by John E. Tidwell, a Notary Public, testified as follows:

On Behalf of Commissioner:

Q. What is your name? A. Martha Ann Reaves is my full name; I write it Martha A.
Q. What is your age? A. Fifty-three.
Q. What is your postoffice address? A. Muskogee.
Q. Are you an applicant for enrollment as a citizen by intermarriage of the Cherokee Nation? A. Yes sir.
Q. You have no Cherokee blood? A.No sir.
Q. The only claim you make to the right to enrollment as a citizen of the Cherokee Nation is by virtue of your marriage to a Cherokee citizen by blood? A. Yes sir.
Q What is the name of the person through whom you claim the right to enrollment? A. John A. Reaves.
Q. Is he living? A. Yes sir, he is living.
Q. When were you married? A. I was married the third day of August, 1869.
Q. Where were you living at the time you were married to him?
A. I was living in Texas.
Q. Where was he living? A. He was there to, of course.
Q. Was that his home? A. He was there then; he had lived in the Cherokee Nation up to the time of the Civil War, then they all went to Texas.
Q. He was born then, in the Cherokee Nation? A. No sir, he was born in Texas, and then his mother moved back up in the Cherokee Nation.
Q. Do you know whether his mother was admitted to citizenship in the Cherokee Nation? A. Yes sir, she was on all the rolls of the Cherokee Nation.
Q. Your husband then, while he was a child, or quite young, removed to the Cherokee Nation and lived there for a number of years.? A. I don't know how many years; I never asked them.
Q. And then they went back to Texas? A. Yes sir, they went back to Texas during the war.
Q. He was living in Texas when you were married to him?
A. Yes sir.
Q. How many years had he been in Texas when you were married ?

A. I could not tell exactly, he went into the war, and he did n't never come back to the Territory after that.
Q. Were you ever married prior to your marriage to him?
A. No sir.
Q. Was he ever married prior to his marriage to you? A. Yes sir
Q. Was his first wife living or dead at the time you married him?
A. She was dead.
Q. How long after your marriage was it before you came to the Cherokee Nation? A. It was about fifteen years as well as I remember.
Q. After your marriage you resided in Texas for about fifteen years? A. Yes sir.
Q. And then removed to the Cherokee Nation? A. Yes sir, and have lived here twenty years.
Q. Your husband, after your removal to the Cherokee Nation for the purpose of making this your permanent home, made application for admission to citizenship in the Cherokee Nation, did he? A. Yes sir.
Q. He was admitted, was he? A. Yes sir.
Q. About what year was he admitted? A. I could not say. He made application for enrollment when we first came back, nineteen years ago.
Q. And he was admitted, was he? A. Yes sir; he was admitted into the Cherokee Nation, but now I can not tell just when it was.
Q. After your removal to the Cherokee Nation did you and he continuously live together as husband and wife in the Cherokee Nation? A. Yes sir, we have never lived anywhere else.
Q. Since your marriage to your husband you and he have continuously lived together as husband and wife? A. Yes sir.

The applicant, Martha A. Reaves is id entified on the Cherokee Census Roll of 1896, Canadian District, No. 240, Her husband, John A. Reaves, is included in a partial roll of citizens by blood of the Cherokee Nation, approved by the Secretary of the Interior, opposite No. 29420.

The undersigned, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she correctly recorded the testimony taken in this case, and that the above and foregoing is a full, true and correct transcript of her stenographic notes thereof.

Lucy M Bowman

Subscribed and sworn to before me this 4th day of January, 1907.

John E. Tidwell
Notary Public.

F.R. COPY Cherokee D-1074.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Martha A. Reaves as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, January 29, 1901, application was received by the Commission to the Five Civilized Tribes for the enrollment of Martha A. Reaves as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 15, 1902, June 12, 1902, June 23, 1902, October 28, 1902, and January 3, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Martha A. Reaves is a white woman who is identified on the Cherokee census roll of 1896, Canadian District, Page 92, No. 240, as an intermarried citizen of the Cherokee Nation, and was lawfully married in the State of Texas in the year 1869, to her husband, John A. Reaves, who was, at the time of said marriage, a recognized citizen by blood of the Cherokee Nation who is identified on the Cherokee census roll of 1896, Canadian District, Page 62, No. 1694, as a native Cherokee, and whose name in included on the approved partial roll of citizens by blood of the Cherokee Nation opposite No. 29420.

The evidence further shows that John A. Reaves is a Cherokee Indian and is identified on the roll of "Old Settler Cherokees" taken in 1851, and also on the Cherokee pay rolls of 1890 and 1894.

It is further shown that said John A. Reaves left the Cherokee Nation in 1854, being, at that time, twelve years old. He returned to said nation in 1888, and has resided continuously therein since that time.

On September 11, 1903, the Commission to the Five Civilized Tribes rendered its decision in this case wherein it was held that the said John A. Reaves did not forfeit or adjure his Cherokee citizenship during his absence from the Cherokee Nation and that he was entitled to be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495).

It further appears that the said John A. Reaves and his wife Martha A. Reaves have been residing together as husband and wife from the time of their said marriage in 1869, and have continuously lived in the Cherokee Nation from the time of their removal to said Nation in 1888, up to and including September 1, 1902.

In view of the foregoing, it is considered that the applicant, Martha A. Reaves, was married to a recognised citizen by blood of the Cherokee Nation prior to November 1, 1875.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs the United States, Nos. 125, 126, 127 and 128, the said applicant, Martha A. Reaves, is entitled under the provisions of Section 21 of the Act of Congress approved June 28, 1898, (30 Stats. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation and her application for enrollment as such is accordingly granted.

SIGNED Tams Bixby.
Commissioner.

Dated at Muskogee, Indian Territory,
this FEB 23 1907.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of MARTHA A. REAVES as a citizen by intermarriage of the Cherokee Nation.

Protest of the Cherokee Nation.

The record in this case shows that John A. Reaves went to the State of Texas prior to the Civil War; that he married Martha A. Reaves in Texas in the year of 1869, where they continued to live as husband and wife until about the year 1888, and we cannot agree with the Commissioner to the Five Civilized Tribes that John A. Reaves was a citizen of the Cherokee Nation in 1869 at the time Martha A. Reaves married him, nor was he a citizen of the Cherokee nation for the 19 years that followed his marriage. In other words, it is contended on behalf of the Cherokee Nation that he never became a citizen of the Cherokee Nation after his marriage prior to 1888, and it is cont ended on behalf of the Cherokee Nation that he, not being a citizen of the Cherokee Nation on November 1, 1875, could not confer rights by intermarriage upon his wife, Martha A. Reaves. But it is contended that the name of John A. Reaves appears upon the final roll of citizens of the Cherokee Nation, but his name appears upon that roll because of the fact that he was enrolled by the Cherokee Council upon the 1890 Pay Roll, the 1894 Pay Roll and the Cherokee census roll of 1896, and Section 21 of the Act of June 28, 1898 (30 Stat., L 495), after confirming the authenticated roll of 1880, provides:

"****and (The Commission to the Five Civilized Tribes) shall investigate the right of all other persons whose names are found on any other rolls and omit such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have legal right thereto,***

While the Commission to the Five Civilized Tribes may have been justified under the law in the enrollment of John A. Reaves as a citizen by blood of the Cherokee Nation from his enrollment in 1890, yet certainly prior to 1888, while he was a citizen and resident of the State of Texas, where he married his wife, and where practically all of his children were

born, he was not a citizen of the Cherokee Nation and the marriage of Martha A. Reaves to the said John A. Reaves conferred no rights of citizenship by intermarriage upon her, and the said John A. Reaves not being a recognized citizen of the Cherokee Nation after his marriage to her prior to November 1, 1875, it is contended on behalf of the Cherokee Nation that the applicant is not entitled to be enrolled as a citizen by intermarriage of the Cherokee Nation, but that her citizenship in the Cherokee Nation if she acquired any dated from the recognition or enrollment of her husband upon the 1890 Pay Roll and this was too late under the decision of the Supreme Court of the United States, dated November 5, 1906, in the case of Daniel Redbird, et al., vs the United States to entitle Martha A. Reaves to be enrolled as an intermarried citizen of the Cherokee Nation.

Respectfully submitted,

Signed W. W. Hastings

Attorney for the Cherokee Nation.

Muskogee, I. T., Feb. 25, 1907.

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE ENROLLMENT

W. W. HASTINGS, ATTORNEY
J. C. STARR, SECRETARY

Vinita MUSKOGEE, IND. TER. April 18 1903.

Commission to the Five Civilized Tribes,

Muskogee I. T.

Gentlemen:

In compliance with the request of the Commission of date April 15th 1903 there is herewith returned your decision in the case of Cherokee D 1074, John A Reaves et al and the Cherokee Nation requests that it be permitted to withdraw the protest heretofore filed against said decision in order that the decision may be reconsidered by the Commission.

Respectfully,

W W Hastings

C. D. #1074

Attorney for the Cherokee Nation.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee D-1074-6
D-1117

Muskogee, Indian Territory, September 16, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 11, 1903, granting the applications for the enrollment of John A., Charles B. and Effie M. Reaves and Mollie E. and John R. Parr, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Chairman.

Enc. D-42

DEPARTMENT OF THE INTERIOR,

Land.
21253-1907

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

March 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from Commissioner Bixby, dated February 26, 1907, enclosing record of proceedings in the matter of the application for the enrollment of Martha A. Reaves as a citizen by intermarriage of the Cherokee Nation, together with the Commissioner's decision.

There is also enclosed with the case a schedule in quintuplicate, containing the name of this applicant, and in the event of the approval of the Commissioner's decision favorable to her, the Commissioner recommends the approval of the schedule.

Attention is invited to the fact that the Commissioner requests that Mr. McGarr, now of this city, places the proper number on this schedule, in the event of its approval.

The Office has examined the record and decision, and it is recommended that the decision of the Commissioner, admitting the applicant to enrollment, be affirmed, and the schedule containing her name, be approved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EWE-SD

D.C.14855-1907. J.P.

FHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D.7892-1907. March 4, 1907.

DIRECT.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

February 26, 1907, you submitted the papers in the matter of the application of Martha A. Reaves for enrollment as a citizen by intermarriage of the Cherokee Nation, having decided in her favor; also a protest by the attorney for the Cherokee Nation against her enrollment.

In accordance with your recommendation and that of the Indian Office in letter of March 2, 1907 (Land 21253-07), copy inclosed, your decision is affirmed.

The schedule bearing her name, submitted with your letter, has also been approved and will be disposed of in the usual manner, with the papers in the case.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

3 inc. and
5 for Ind. Of. with
copy hereof.

WCF 3-5-07

C78

REFER IN REPLY TO THE FOLLOWING:
Cherokee
D 1074.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 22, 1907.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 25, 1907, granting the application for the enrollment of Martha A. Reaves as a citizen by intermarriage of the Cherokee Nation was affirmed by the Department March 4, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. HJ-81.
HJC

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 31 1901

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, I.T., JANUARY 29th, 1901.

IN THE MATTER OF THE APPLICATION OF Robert M. Julian for enrollment as a citizen of the Cherokee Nation, and he being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Robert M. Julian.
Q What is your age? A I am about fifty nine years old.
Q What is your Postoffice address? A Checotah.
Q What district do you live in? A Canadian.
Q Are you a recognized citizen of the Cherokee Nation? A I do not know sir.
Q For whom do you apply for enrollment? A Myself.
Q Is your name on the roll of 1880? A I can not tell you; I reckon not sir.
Q Is your name on the census roll of 1896? A I do not know whether it is on any roll or not.
Q What proof have you to offer of your citizenship?
A You see the condition I come here in. (Hands paper to Commissioner)
Q Does your name appear in this certificate? A No sir, it does not, but you can see when I came to this country: I was married in '65, before the treaty of '66.
Q Without you are on some of the rolls, or have been admitted by the Cherokee authorities or the Dawes Commission, we have no jurisdiction whatever? A Yes sir.
Q Did you ever apply to the Dawes Commission in 1896? A No sir.
Q Is Susan Julian your wife? A Yes sir.

(1896 Roll, Page 89, #145, Robert M. Julian, Canadian District)

Q Are you a white man? A Yes sir.
Q What is your wife's name? A Susan J. Willis before I married her.

Com'r. T. B. Needles: Applicant presents a certificate of marriage, certifying that he was married in the State of Georgia to one, Susan J. Willison the 18th day of April, 1865.

Applicant also presents a certificate of admission to Cherokee citizenship, issued from the office of the Commission on Citizenship at Tahlequah, May 18th, 1888, signed by J. T. Adair, Chairman of the Commission; attested by Connell Rogers; approved and endorsed by Samuel Smith, Acting Chief, under the great seal of the Cherokee Nation, certifying that among others, one Susan J. Julian and her children were admitted to citizenship on the 22nd day of August, 1887.

Q Is the Susan J. Julian mentioned in this certificate, you present, your wife? A Yes sir.
Q Was her name Susan J. Willis before you married her? A Yes sir.
Q Have you been living with her continuously since you married her?
A Yes sir.
Q Are you her first husband? A Yes sir.
Q Was she your first wife? A Yes sir.
Q How long have you lived in the Cherokee Nation? A About twelve or thirteen years.
Q Moved here from where? A Georgia.
Q Have you ever been married according to the laws of the Cherokee Nation since your marriage in 1868? A No sir.

Com'r. T. B. Needles: The name of Robert M. Julian appears upon the census roll of 1896; He presents satisfactory proof of the admission of his wife, Susan J. Julian to Cherokee citizenship in the year 1887; also presents proof of his marriage to the said Susan J. Julian, by the name of Susan J. Willis, said marriage having been solemnized

ROBERT M. JULIAN.

-2-

in the State of Georgia on the 16th day of April, 1865: He makes no proof of marriage according to the laws of the Cherokee Nation, nor any proof of having been admitted to Cherokee citizenship; consequently final judgment as to the enrollment of the said Robert M. Julian as a Cherokee citizen by intermarriage will be suspended, and his name will be placed on a doubtful card.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R. R. Evans

Subscribed and sworn to before me this 30th day of January, A. D., 1901.

O. H. Kruse

COMMISSIONER.

R

C. D-1075

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 15,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application of Robert M. Julian for the enrollment of himself as a Cherokee citizen.

Appearances:
J. M. Givens, Muskogee, I. T., attorney for the applicant, and the applicant in person.
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 27th,1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 15th dayof March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: the 15th day of March,1902, appears in person and by his attorney, J. M. Givens.

ROBERT M. JULIAN, being first duly sworn and being examined testified as follows:
MR. GIVENS:

Q Please state your name? A Robert M. Julian.
Q Where do you reside? A Canadian District, Cherokee Nation.
Q You appeared before the Commission to the Five Civilized Tribes at Muskogee on January 29th, 1901? A Yes sir.
Q In the matter of the application of yourself for enrollment as a citizen of the Cherokee Nation? A Yes sir.
Q Upon examination of the testimony which was given before the Commission on the occasion referred to in my question just preceding, I note that you state that you never applied to the Dawes Commission for enrollment in the year 1896? A No sir.
Q Were you ever re-married according to Cherokee law, Mr. Julian?
A No sir.
Q Have you any reason why you were never re-married after you came to the Cherokee Nation?

BY MR. HASTINGS: I want to object to that question. I don't think that is admissible. The law specifically says how a white man shall intermarry with a Cherokee to be given rights in the Cherokee Nation, and is he does not comply with that law, why no excuse will permit him to avoid it and give him citizenship in the Cherokee Nation.

BY COMMISSION: The objection will be noted, and the witness permitted to answer the question.

A My reason was through Judge Adair. He informed me that my marriage being in 1865 he did not think it was necessary.

BY MR. HASTINGS: The Representative of the Cherokee Nation now moves that the above answer be stricken from the record, because it is hearsay, and innowise binding upon the Cherokee Nation.

Q Who was this Judge Adair to whom you refer? A He was Judge of this Court of Claims, he was the Judge of the- where I give my family, what was the name of the court anyhow; it was the citizenship court, and he was Judge of the Citizenship Court.
Q By that you mean that he was Chairman of the Commission on Citizenship? A Yes sir.
Q For the Cherokee Nation? A Yes sir.
Q Was Mr. T. J. Adair Chairman of the Cherokee Citizenship Commission at the time you had this conversation with him to which you made reference? A Yes sir.

Q When was it that you had this conversation with Mr. Adair in which he told you that it would not be necessary for you to be remarried, because you had been married in 1865? A It was about the time that I had my family placed upon the rolls. I suppose '88, my recollection, my recollection is not very good, but I think '88; it may be '70, no, yes it's '88 I reckon, I aint sure. In May I think, August, somewhere along there.
Q Was it at the time your wife and children were admitted to citizenship by this Commission? A Not right at the same day, sir, I reckon it must have been a day or two afterwards; I remained in Tahlequah, but it was about the same, yes sir.
Q Well wasn't the statement which was made to you by Mr. T. J. Adair, Chairman of the Citizenship Commission which caused you not to be remarried after youhad come from Georgia? A Yes sir, that was the cause.

BY MR. HASTINGS:

Q You didn't apply with your own family did you? A No sir, I did not I reckon, my family was not here at that time, they was in Georgia.
Q Your family did apply, your wife and children? A Well I did for them.
Q If you knew the law and you were instructed that your marriage in 1865 to a Cherokee woman in the states and outside of the limits of the Cherokee Nation and not in accordance with Cherokee law, would entitle you to citizenship , why is it you didn't have your own name embraced in that application? A Well this is the understanding, now of course this was a different view after. Now I was instructed by the attorney a different way at the same time I was there for a few days, of course it was not necessary, I couldn't make theapplication then, my family was not there, I couldn't have done it no way.
Q When you made it for your family why didn't you make your own? A I didn't think anything about it; Judge Adair believed my marriage in '65 would have made me a natural citizen before the treaty of '66, and he said so.
Q He didn't admit you? A He didn't do that.
Q And he was on the bench? A No, I didn't call on him to do that at that time. He said he thought it was not necessary.
Q Well the opinion he expressed was simply a private opinion? A Yes sir, private opinion.
Q Wasn't one from the bench at all? A No, no, not at all.

BY COMMISSION: The attorney for the applicant requests and will be granted 15 days in which to file a brief in the case. The attorney for the applicant and the representative of the Cherokee Nation present submit the case. Same is deemed completedand will be reported to the Commission for final decision based upon the evidence now of record.

I,M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

(8)

Cherokee D 1078

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Robert M. Julian as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

---oOo---

The record in this case shows that on January 29, 1901, Robert M. Julian appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 15, 1902.

The evidence in this case shows that Robert M. Julian, a white man, was married, under the laws of the State of Georgia, on April 18, 1865, to Susan J. Willis, a Cherokee by blood, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on May 1 , 1886. The said Robert M. Julian is identified on the Cherokee census roll of 1896 and has lived in the Cherokee Nation ever since about the year 1888, the year of the admission of his wife and children to citizenship in the Cherokee Nation.

Robert M. Julian did not re-marry according to the laws of the Cherokee Nation.

It is provided in an Act of the National Council of the Cherokee Nation, dated October 15, 1855, entitled "An Act regulating intermarriages with white men,"

"That any intermarried white man desiring to marry a Cherokee woman, shall be and is hereby required to obtain a license for the same from any of the clerks of the District Courts of the several Districts", and it is further provided in said Act "That no marriage between a citizen of the United States and a female citizen of this Nation, entered into within the limits of this Nation, except as hereinbefore authorized and provided, shall be legal; . . . . . "

Although the marriage between Robert M. Julian and his wife, Susan J. Julian, was not "entered into within the limits of this Nation," it is considered that the reason of this law is applicable to the facts in the case of Robert M. Julian.

Paragraph 1, of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of only "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

It is, therefore, the opinion of this Commission that the application for the enrollment of Robert M. Julian as a citizen by intermarriage of the Cherokee Nation should be denied and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cher. D 1075.

Muskogee, Indian Territory, July 16, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of Robert M. Julian for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

Enc. C. No. 103.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1078.

Muskogee, Indian Territory, September 3, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of Robert M. Julian for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,

Tams Bixby

Acting Chairman.

FOR ENROLLMENT AS

CHEROKEE CITIZEN

Original testimony Jany 29/01

Memo: Jany 29/01

Certified copy of Marriage license of

Notice of final consideration, 3/15

Receipt for testimony

Supplemental testimony and order closing testimony 3/15/01

Copy

Transferred to R-715

Cher D 1076

Cher D 1076

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 31 1901

ACTING CHAIRMAN.

8107

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., JANUARY 29th, 1901.

IN THE MATTER OF THE APPLICATION OF Mollie E. Parr for enrollment as a citizen of the Cherokee Nation, and she being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Mollie E. Parr.
Q What is your age? A Twenty nine.
Q What is your Postoffice address? A Edna, Kansas.
Q What district do you live in? A Coowescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Whom do you want to enroll? A Myself.
Q Just yourself? A Yes sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A W. M. Parr.
Q What was your name before you were married? A Reaves.
Q When were you married? A 21st day of August.
Q Last August? A No sir, three years ago this coming August.
Q What is your father's name? A John Reaves.
Q Is he living? A Yes sir.
Q What is your mother's name? A M. A. Reaves.
Q Is she living? A Yes sir.

(1896 Roll, Page 62, #1695, Mollie Reaves, Canadian District)

Q Have you ever been admitted to Cherokee citizenship by the Cherokee Council? A I was under age at that time. (Referring to the time her parents were admitted)
Q Where were you born? A Texas.
Q How long have you lived in the Cherokee Nation? A Fourteen years.

Com'r. T. B. Needles: The name of Mollie E. Parr appears upon the census roll of 1896 as Mollie Reaves: Her name does not appear upon the authenticated roll of 1880: She avers that she is the child of John and M. A. Reaves, whose names also do not appear upon the authenticated roll of 1880, but appear upon the census roll of 1896. She avers that she married one, W. M. Parr: She also avers that at the time of the admittance of her father, she was a minor. (For testimony as to admission of John Reaves, see Card Doubtful #1074)

Said Mollie E. Parr is duly identified and makes satisfactory proof as to her residence: Because of the insufficiency of proof of the admission of her father, final judgment as to the enrollment of the said Mollie E. Parr, child of John Reaves, will be suspended and her name will be placed on a doubtful card.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 30th day of January, 1901.

COMMISSIONER.

010076

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 28 1902

ACTING CHAIRMAN

Supl.-C.D.#1076.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 19, 1902.

SUPPLEMENTAL in the matter of the enrollment of MOLLIE E. PARR as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 28, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902, and that on said date she might appear before the Commission either in person or by attorney when an opportunity would be given her to introduce any further testimony affecting her application. The applicant has this day, to-wit: the 19th day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---oooOOOooo---

I, J. O. Rossen, ~~being first~~ do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings had this day int he above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J O Rossen

Subscribed and sworn to before me this 18th day of June, 1902.

D. C. Foster, Notary Public.

My Commission, being duly filed, sworn, etc. to the first Citizens Bank made the above copy and that the same is a true and correct copy of the original thereof.

Subscribed and sworn to before me this 7th day of June, 1902.

D. C. Foster, Notary Public.

RECEIVED
JUL 9 1902

Cherokee D 1076

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T. June 12, 1902.

In the matter of the application of John A. Reeves et al. for enrollment as Cherokee citizens, D-1074.

In the matter of the application of Charles B. Reeves et al for enrollment as citizens of the Cherokee Nation, D 1117.

In the matter of the application of Mollie E. Parr et al for enrollment as citizens of the Cherokee Nation, D 1076.

APPEARANCES:

John A. Reeves in behalf of applicants.
W. W. Hastings in behalf of Cherokee Nation.

Commission:

On the 9th day of June, 1902, John A. Reeves was notified by registered letter to furnish the Commission with a certificat of his readmission to citizenship in the Cherokee Nation, and also with a certificate of his marriage to his wife, Martha A. Reeves.

On the 7th day of June, 1902, Charles B. Reeves was notified by registered letter to furnish this Commission with evidnce as to his admission to citizenship in the Cherokee Nation, also evidence as to his marriage to his deceased wife, Mila.

On the 9th day of June Mollie E. Parr was notified by registered letter to furnish the Commission with evidence of her admission to citizenship in the Cherokee Nation.

The applicants this day, to wit the 12th day of June 1902, appear by John A. Reeves.

JOHN A. REEVES, being first duly sworn, testified as follows:
COMMISSION: Your name is John A. Reeves? A Yes sir.
Q What is your post office address? A Muskogee.
Q You are the father of Mollie E. Parr and Charles B. Reeves?
A Yes sir.
Q Where were you born Mr. Reeves? A I was born in Texas.
Q When did you come to the Cherokee Nation for the first time?
A First time I come her e when I was about nine years old; I couldnt tell you the year, I can cite you to the time I come here, about twelve months before the old settlers was paid out the first time.
Q How long did you continue to reside here at that time? A As well as I recollect I think we stayed here three years.
Q Then where did you go? A I went back to Texas.
Q How long did you live in Texas? A Well, sir, I lived in Texas till about - I come back here fourteen years ago last fall; my mother has been in here time and again, my mother died here.
Q Where were your two children born? A They was born in Texas.
Q Did you ever apply to the Council for re-admission to citizenship? A I did, sir.
Q What action, if any, did the council take? A Well sir, the best proof that I can get that it went through the lower house of the council, but never can find no records where it went through the Senate, no records of it at all.
Q Where were you married to your wife? A I was married in Texas.
Q In what county? A I was married in Machadokies County.
Q Well have you examined the records of the county down there in order to ascertain whether or not your marriage license which was issued to you authorising your marriage to your wife has been filed for record there? A Yes sir, I have written to both counties a, we got our license in Cherokee County, and was married in Machadokies County, and I tried both Counties.

Q And you could'nt get any certified copy of it? A I could'nt get it there; could'nt be found.
Q Have you and your wife always lived together since your marriage? A Yes sir.
A Living together at this time? A Yes sir.
Q Now where was your son Charles B. Reeves, married? A He was married in Canadian District, here in the Cherokee Nation.
Q Who married him? A Parson Sparks, I believe, lives at Vinita.
Q When was he married? A Well sir, I would'nt tell you without going to the records and looking; I could'nt tell you; Mr. Wimply here, they was married at his house; proof can be gotten by him.
Q How often have you participated in Cherokee payments since your return to the Cherokee Nation thirteen odd years ago; have you ever drawn any money other than the Cherokee strip money in 1894? A Yes sir, I drew I think it was thirteen or sixteen dollars, they called the grass money here once.
Q What district were you living in at that time? A I was living in Canadian District, I drew the old settler money, the last old settler payment.
Q Did you have a child named William T. Reeves? A Yes sir.
Q Living or dead? A Dead.
Q Have you a daughter named Mary E.? A Yes sir.
Q Living? A Yes sir.
Q Is that now Mollie E. Farr? A Yes sir.
Q Did you have a child named Effie M? A Grand-child; that's Charles' child.

The applicant is identified on the 1896 Cherokee Pay roll on page 265, as J. A. Reeves.
Mollie E. Farr is identified on said roll on page 265, as Mary E. Reeves.
Charles B. Reeves is identified on said roll on page 265, as Charley Reeves, and his daughter is identified thereon as Effie M. Reeves.

Q Now this payment and the 1894 payment were the only payments that you ever participated in, were they not? A Three payments.
Q That is, aside from the old settler payment? A Yes sir.
Q That was'nt a citizenship roll? A No sir.

1894 roll, page 86, No 1814, John Reeves, Canadian District.
1894 roll, page 86, No 1815, Charles Reeves, Canadian District.
1894 roll, page 86, No 1818, Effie M. Reeves, Canadian District
1894 roll, page 86, No 1817, Mollie E. Reeves, Canadian District

~~Q Now this payment and the 1894 payment were the only payments that you ever participated in, were they not? A Three payments.~~

MR. MATTINGLY: What is the name of Charles' wife? A Ellen
Q What was her maiden name? A Whitley.
Q Where were they married? A They were married here in Canadian District, down about McLean.
Q About what year? A Well, sir about '88 or '89, I dont know which.

COMMISSIONER: It will be necessary for your son Charles B. to furnish us with evidence of his marriage? A He knew that; he is off today, and I'll send him up there as soon as he comes back. The evidence from Mr. Wimply, where he was married I suppose would be sufficient, at the present?
Q Yes. A All right, and I will try again about- try to get the proof about her marriage if you wanted-thought it was necessary.
Q Well you had better bring in several witnesses here who know that you and your wife have been living together continuously since you

[redacted]

Subscribed and sworn to before me this 16th day of June, 1902.

P. G. Reuter, Notary Public.

Ella Nielsen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above copy and that the same is a true and correct copy of the original transcript.

Ella Nielsen

Subscribed and sworn to before me this 7th day of July, 1902.

[Seal]

[redacted]
Notary Public.

Dictated.

Signed and sworn to before me this 14th day of June, 1902.

Notary Public.

My commission expires June 4, 1904.

Dictated.

Subscrib

Cherokee D 1076

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T. June 23, 1902.

In the matter of the application of John A. Reeves et al. for enrollment as Cherokee citizens, D 1074.

In the matter of the application of Charles B. Reeves et al. for enrollment as Cherokee citizens, D 1117.

In the matter of the application of Mollie E. Parr et al. for enrollment as Cherokee citizens, D 1076.

Merriam Halton, being sworn and examined by the Commission, testified as follows:

Q What is your name? A Merriam Halton.
Q What is your post office address? A Muskogee.
Q Are you acquainted with the applicant in this case, John A. Reeves and Martha Reeves? A Yes sir.
Q How long have you known them? A I have known Mrs. Reeves since '72 and Mr. Reeves all my life.
Q Do you know when they were married? A Yes sir.
Q When? A They were married a year or two before '72; I dont know how long, may be two or three years.
Q Did you see them married? A No sir.
Q How long after the marriage when you first saw them? A They had one child about eight months old.
Q When you saw them the first time? A When I saw them together; I saw Mr. Reeves and his father-in-law a year before that together.
Q Have they been living together continuously since that time? A Yes sir. Q Are they living together now? A Yes sir.
Q Are they generally recognized through the community as man and wife? A Yes sir.
Q Do you know Charles B. Reeves? A Yes sir.
Q Do you know Mollie E. Parr? A Yes sir.
Q Are they the children of John A. Reeves by his wife Martha? A Mollie is.
Q Is Charley by a different wife? A Yes sir, first wife.
Q What was his first wife's name? A Durkee.
Q Was she a white woman? A As near as I know she was.
Q She was'nt of Cherokee blood? A No sir, never claimed to be.
Q Do you know when he was married to his first wife? A No sir, I don't know exactly when. It was in the 60's somewhere I think. It was in the '60's, I dont know what date.
Q Did you know them living together as man and wife, Mr. Reeves and his first wife? A Yes sir.
Q Did you ever visit them while they were living together as man and wife? A No sir.
Q Were they recognized in the community as husband and wife? A Yes sir.

Alex Jordan, being sworn and examined by the Commission, testified as follows:

Q What is your name? A Alex Jordan.
Q How old are you? A I am 65 years old, going on 66.
Q What is your post office address? A Muskogee.
Q Do you know John A. Reeves, the applicant in this case ? A Yes sir.
Q How long have you known him? A I have knowed him ever since I knowed anybody, he is a neighbor of mine. I am about five or six years older than he is.
Q How long have you known his wife? A Why his present wife I have known her I reckon ever since '66 or '67, I don't recollect exactly.
Q You know when they were married? A No sir, I do not; they were married about 60 miles below where I lived and they were married- I think they were married about six or seven months when they came to

- 5 -

John A. Reeves of the
where I lived; his mother lived there to me that was the first time
I ever saw her; that was his present wife.
Q About how long ago was that? A They must have been married
about '45 or '46, about '46 as I guess.
Q His first wife? A I mean his present wife; his present wife
I expect they were married some time in '45 or '47. I could re-
collect the date.
Q How long have you known them to live together as man and wife?
A You see there was a period of two or three years; I guess of
about eight or ten years I lived close to them; I went to that
country and left them in Texas.
Q When you left Texas were they living together as man and wife?
A Yes sir.
Q Were they living together as man and wife when you saw them next
in the territory the first time? A Yes sir, they had been here
fifteen years.
Q And since that time had they always been living together as man
and wife? A Yes sir.
Q Did you know Mr. Reeves' first wife? A Yes sir.
Q Do you know whether or not he was married to her? A I did'nt
see them married but I am satisfied they were married.
Q Did you see them living together as man and wife? A Yes sir,
until she died.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. G. Rothenberger.

Subscribed and sworn to before me this 26th day of June, 1902.
P. G. Reuter Notary Public.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, being duly sworn, states that the foregoing is a true and correct copy of the original transcript.

Della Mulenz

Subscribed and sworn to before me this 7th day of July, 1902.

Seal

P. G. Reuter
Notary Public.

ATTORNEYS
L. B. BELL
W. W. HASTINGS
J. S. DAVENPORT
J. C. STARR, SECRETARY

...OFFICE OF...

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.___

Muskogee, I. T., March 8, 1901.

Jon[illegible] Recorder,

[illegible], Kans.

Sir:

[illegible] record, xx of the last 12 months, and if you find a record of the marriage of John W. French xx of Collinsville, I. T., to Mary [illegible] please send us certified copy of the same; and send your bill and we will be pleased to remit.

Yours truly,

J. C. Starr

Independence, Kans. March 10 1901
Office of Probate Judge

J. C. Starr
Muskogee I.T.
Dear Sir There is no record of the marriage of John W. French during the last 18 months in this office
M. B. Sewell Probate Judge

FOR ENROLLMENT AS

CHEROKEE CITIZENS

1 Original testimony Jan 29/

3 Items of application Jan 29/0

2 Notice of final consideration, 3/19/

Ce [illegible] Land transfer

to [illegible]

Co [illegible]

See Cherokee Jacket 1910 74

[illegible]

Cher D 1077

Cher D 1077

D 1077

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 1 1901

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JANUARY 30th, 1901.

In the matter of the application of William Heffernan for the enrollment of himself, wife and children as citizensof the Cherokee Nation; said Heffernan being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A William Heffernan.
Q What is your, age, Mr. Heffernan? A I am 46.
Q Your post office address? A Muskogee.
Q What district do you live in? A Canadian.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir
Q By blood or intermarriage? A Intermarriage.
Q Whom do you desire to enroll? A My wife and two children.
Q Yourself, wife and two children? A Yes, sir, I am also guardian and not their agent now for Cornelia Marshall.
Q What is your wife's name? A Joanna.
Q What was her name before you married her? A Keys.
Q When did you marry? A I married in 1877; complied with the Cherokee laws in 1894.
Q Married according to the laws of the Cherokee Nation in 1894? A Yes, sir.
Q Have you any certificate of marriage? A Yes, sir, I have at home.
Q What is the names of your children? A Annie is the oldest.
Q How old is Annie? A 19.
Q What is the name of the next child? A Pearl.
Q How old is Pearl? A 15.
Applicant: She may not be on the roll of 1880 at all, I never did attend to it.
Q What is her age? A She is about 40 I think.
Q What was her father's name? A Louis Keys.
Q Is he living? A No, sir, he is dead.
Q Hermother's name? A Nan Harper. Along about that time I think you will find her name married by the name of Cobb.
Q Is she living? A She is dead now.
Q Was Louis Keys a white man or indian? A He was an indian; my wife is a half sister to Judge Jim Keys up here at Chouteau.
1880 Roll; page 515, #376, Nan Cobb, Illinois.
1896 Roll; page 88, #119, William Heffernan, Canadian.
1896 Roll; page 36, #985, Joannah Heffernan, Canadian.
1896 Roll; page 36, #986, Anna Heffernan, Canadian.
1896 Roll; page 36, #987, Pearl Heffernan, Canadian.
(Following note on roll with Applicant's wife's enrollment: "Wife of William Heffernan, white adopted, living in Muskogee?)
Q Is Joanna Keys your first wife? A Yes, sir.
Q Are you her first husband? A I do not know whether she was ever married before or not.
Q Are these children, Annie and Pearl, alive and living with you? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I live here and married, ever since I married, mostly here~~xx~~I had a place over there and stock over there.
Q Was your wife born and raised in the Cherokee Nation? A Yes, sir.
Q Do you know why she is not on the roll of1880? A I guess no one attended to it. I was here most all that time railroading between here and Dennison and never paid any attention.
Q What degree of blood has your wife? A She is pretty near a half I guess, fully half, I guess.

William Hefferman--2.

Com'r Needles:--The names of William Hefferman, his wife Joanna, and his two children, Annie and Pearl, appear upon the census roll of 1896. He avers that he was married in the year 1877 and afterwards in the year 1894 he was remarried according to the laws of the Cherokee Nation. He avers that his wife is a sister of Nan Cobb, a Cherokee citizen by blood, and the name of Nan Cobb, now deceased, is found upon the authenticated roll of 1880. They are all duly identified and make satisfactory proof as to residence, but by reason of the fact that the name of Joanna Keys is not found upon the authenticated roll of 1880, and the fact that no satisfactory proof is made as to her citizenship, and from the further fact that said William Hefferman presents no satisfactory proof of his marriage according to the laws of the Cherokee Nation; final judgment as to the enrollment of said William Hefferman as a Cherokee citizen by intermarriage, and his wife Joanna, and two children, Annie and Pearl, as Cherokee citizens by blood, will be suspended and their names will be placed upon a doubtful card, awaiting proof of citizenship and proof of marriage.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 31st day of January, 1901.

Commissioner.

29077

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
FEB 1 1901

ACTING CHAIRMAN

S U P P L E M E N T A L T E S T I M O N Y .

D.#1077.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JANUARY 30th, 1901.

SUPPLEMENTAL TESTIMONY IN THE MATTER OF THE APPLICATION OF William Heffernan for the enrollment of himself, wife and children as citizens of the Cherokee Nation:

WALTER S. AGNEW being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name please? A Walter S. Agnew.
Q How old are you? A 58.
Q What is your post office? A Muskogee.
Q In what district do you live? A Canadian.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know Mr. William Heffernan? A Yes, sir.
Q Do you know his wife? A Yes, sir.
Q What is her name? A Joanna, or Annie, I ain't certain which.
Q What was her name when she married him? A Keys.
Q What was her maiden name? A Keys.
Q Was she ever married except to him? A I think not. I am pretty certain that she was not.
Q How long did you know Mrs. Heffernan? A I have knowed her 30 years I reckon.
Q What was her mother's name, besides, Keys, did she marry somebody else? A Mrs. Heffernan's mother?
Q Yes, sir? A I think she she went by the name of Cobb and went by the name of Keys and went by the name of Harper.
Q How long did you say that you have known this lade, Mrs. Heffernan? A I think I have known her about 30 years, she was nothing but a girl when I first saw her.
Q Where has she lived since that time? A Just at that time she was living with her mother here in Muskogee. I think she has resided in Muskogee pretty much ever since.
Q When did she marry Mr. Heffernan? A I think it has been some thing near 20 years.
Q Have they lived in Muskogee ever since? A Yes, I think they has
Q Are they living here now? A Yes, sir, they have lived here ever since they married.
Q Has she been looked upon as a Cherokee or Creek? A Well I suppose she was a Cherokee, she was generally known as a Cherokee; all the Keys was Cherokees. As to her mother's blood as to whether she was a Creek or not I do not know. I always thought she was a Creek.
Q Did Mrs. Heffernan have any interests over in the Cherokee Nation? A Yes, sir.Q
Q Did she or her family before she married him? A I do not know that she did at that time.
Q Do you know of any reason why she was left off the roll of 1880? A I think it was simply because they were residing here in Muskogee. In taking them rolls, '70, '80 and '90, the census takers was not allowed to go beyond the geographical limits and they just skipped a good many here in Muskogee.

WILLIAM R. MOTT, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name please? A William R. Mott.

Q How old are you, Mr. Mott? A 57.
Q What is your post office? A Muskogee.
Q Are you a Cherokee citizen? A Yes, sir.
Q Do you live in the Cherokee Nation? A Yes, sir.
Q In what district do you live? A Canadian district.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life.
Q Lived there all your life? A yes, sir born here.
Q Do you know Mr. William Heffernan? A Yes, sir.
Q How long have you known him? A I do not know just exactly how long I have known him, quite a while.
Q Do you know his wife? A Yes, sir.
Q How long have you known her? A I have knowed her ever since she was a small child.
Q Where has she lived all that time? A Well in different places, Fort Gibson a good part of the time and different parts of the Cherokee Nation.
Q Has not she lived a good deal in Muskogee? A Yes, shr has been living in Muskogee ever since she has been married.
Q Where has she livedfor the last 20 years? A She has been right here in Muskogee.
Q Where was she born? A I could not tell you where she was born.
Q When did her mother move to Muskogee? A I do not know what year it was.
Q It was after the Town built up? A Yes, sir.
Q She did not live in the Creek Nation until this town was built up? A No, sir.
Q Before that where did she live? A There around Fort Gibson in that nieghborhood.
Q In the Cherokee Nation? A Yes, sir.
Q Was Mrs. Heffernan's father a Cherokee citizen? A Yes, sir.
Q Was he a Cherokee by blood or intermarriage? A By blood.
Q Well, her mother, was she a Cherokee by blood? A Yes, sir, she was.
Q Well, when Mrs. Heffernan's mother lived in Muskogee, was Mrs. Heffernan unmarried, was she? A I think so.
Q And she came here with her mother? A Yes, sir.
Mr. Mr. W. W. Hastings, Cherokee Representative:
Q Did Mrs. Heffernan's mother afterward marry Edward Cobb? A Yes, sir.
Q Was that in 1880 she was living with Edward Cobb? A I think it was.
Q Her name then was Nan Cobb? A Yes, sir.

WILLIAM HEFFERNAN, the Applicant, re-called, testified as follows:
Examination by Mr. W. W. Hastings, Cherokee Representative:

Q Whenedid you marry your wife A Brushy Mountain.
Q In the Cherokee Nation? A Yes, sir.
Q Where was she living at the time you married her? A She was staying with Tom Brackett, and her mother was up on the Verdigris.
Q Up to that time had she always lived in the Cherokee Nation? A No, sir, I got acquainted with her here and her mother moved away from here up on the Verdigris and she was out at Brushy Mountain when we married.
Q When you say that her mother lived on the Verdigris you mean the Verdigris river in the Cherokee Nation? A Yes, sir.
Q She has always lived there in the Cherokee Nation of Muskogee? A Yes, sir.

Q And she does not claim to be part Creek does she? A No, sir.
Q She has no Creek blood in her? A No, sir.
Q Nor lay any claim to Creek citizenship? A No, sir.
Q What occupation do you follow? A Railroading now, I have been brakeman, conductor and yard master. I am braking now.

By Commissioner Brockinridge:

Q Have you any evidence of your marriage? A No, sir, I have down home.
Q Were you married under the Cherokee laws? A Yes, sir, the last time I was; I complied with the Cherokee law in 1894.
Q Were you ever married except to this wife? A No, sir.
Q Was she ever married except to you? A No, sir, I do not think she was.
Q How long since you and she were married? A We were married in 1877, the first time before I was married ever.
Q You say she was living in the Cherokee Nation at that time? A Yes, sir, she was living at Brushy mountain at Tom Brackett's.
Q When did her mother move to Muskogee? A Well I came here in 1876, came up here from Ft. Smith in 1876 and her mother was living here then.
Q Her mother has lived here before she moved up on the Verdigris? A Yes, sir.
Q And then moved up on the Verdigris? A Yes, sir.
Q And when did she come back from the Verdigris? A She never come back.
Q How long did her mother make her home here in Muskogee? A About a year.
Q With the exception of about one year your wife's mother lifed in the Cherokee Nation all her life? A Yes, sir as far as I know.
Q Now, that year that your wife's mother lived here in Muskogee was that before you were married? A Yes, sir.
Q And you met your wife first at that time did you? A Yes, sir.
Q But when you married your wife she had moved back to the Cherokee Nation? A Yes, sir.
Q So she has never made her home in the Creek Nation except as your wife, except that time that she staid here with her mother? A No, sir.
Q What have you followed since that time? A Railroading; well part of the time I was in the Levery business in '93 and '94, and I have been Marshal of this town a while, outside of that I have been railroading.
Q Have you been in the habit of voting here in the Creek Nation? A No, sir.
Q Have you been in the habit of voting in the Cherokee Nation? A Yes, sir.
Q Where do you vote in the Cherokee Nation? A Brushy mountain.
Q Do you vote pretty regularly there in the Cherokee elections? A I went out there and voted two or three times, I did not go to all their elections.
Q Have you ever in any way claimed the right of citizenship as a Creek? A No, sir.
Q Have you always claimed your citizenship in the Cherokee Nation? A Yes, sir.
Q During the time you and your wife have lived here, have you or either of you kept up any interest in the Cherokee Nation? A Yes, sir.
Q What interest? A We had places over there and I have had stock over there.
Q All the time? A Most of the time I had some stock over there and had places over there.

Supl.-Wm. Hefferman--4.

J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony of the above named witnesses and that the above and foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rossen

Subscribed and sworn to before me this 31st day of January, 1901.

Commissioner.



2, 1902.

14.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 19, 1902.

In the matter of the application of William S. Merriman for the enrollment of himself and children as citizens of the Cherokee Nation.

Applicant represented by J. R. Sequitchie.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter February 28, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902. Receipt has been acknowledged of the Commission's letter and the applicant this day, to wit the 19th day of March, 1902, appears by his agent, J. R. Sequitchie.

COMMISSION: Is there any statement you desire to make relative to this case?

MR. SEQUITCHIE: No, sir.

Q Do you submit it to the Commission? A Yes, sir.

The agent for the applicant and the representatives of the Cherokee Nation present submit the case; the same is deemed completed, and will be reported to the Commission for final decision based upon the evidence now of record.

I, Arthur O. Croninger, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Arthur O. Croninger

ACTING CHAIRMAN.

Hon. [illegible]

[illegible]

[illegible]

[

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 10th, 1902.

In the matter of the application of William Heffernan for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his wife, Joanna Heffernan, and his children, Annie and Pearl Heffernan, as citizens by blood of the Cherokee Nation.

Supplemental to D-1077.

WILLIAM HEFFERNAN, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name? A. William Heffernan.
Q. What is your age at this time? A. I will be 49 in March.
Q. What is your post office? A. Fort Gibson.
Q. Are you the same William Heffernan who applied to this Commission for enrollment as an intermarried citizen in January, 1901?
A. Yes, sir.
Q. What is your wife's name? A. Joanna Heffernan. It was Joanna Keys.
Q. Is she a citizen by blood of the Cherokee Nation?
A. Yes, sir.
Q. When were you and your wife Joanna married? A. We were married according to the Cherokee laws in 1894.
Q. In 1894? A. Yes, sir.
Q. Had you been married to her previous to that under the state law? A. Yes, sir.
Q. Where were you married to her first? A. I was married in the Cherokee Nation in '77.
Q. 1877? A. Yes, sir.
Q. Just by a preacher? A. Yes, sir.
Q. Then afterwards, in 1894, you took out a Cherokee license and married under the Cherokee law? A. Yes, sir.
Q. Had you ever been married prior to your marriage to this wife? A. No, sir.
Q. She is your first wife? A. Yes, sir.
Q. Had she ever been married prior to her marriage to you?
A. Not to my knowledge.
Q. Have you and she lived together continuously from the time of your marriage in 1894 up until the present time? A. Yes, sir.
Q. Never been separated? A. No, sir.
Q. You have never been married to any other woman? A. No, sir.
Q. You and she were living together as husband and wife on the first of September, 1902? A. Yes, sir.
Q. How long have you lived in the Territory? A. I have been here since '76.
Q. Have you lived in the Territory since '76? A. I called it my home all the time. I had my family here most of the time. I was on the railroad, back and forth. Conductor.
Q. Did you ever have your family outside of the Territory?
A. Yes, sir; I had them in Denison a short time once.
Q. What year was that? A. I am not positive now. It was along about '80 or '81. I don't remember. I think it was then. I am not certain.
Q. Have you ever taken your family out of the Territory to live since that time that you speak of? A. Yes, we moved to Coffeyville and stayed there a while.
Q. When did you move to Coffeyville? A. Last winter.
Q. How long did you stay in Coffeyville? A. I stayed there seven months, I believe.

Q. Then where did you go from Coffeyville? A. Fort Gibson.
Q. Are you living at Fort Gibson now? A. Yes, sir.
Q. Outside of these two times----- A. The only times I have been out, I have always had a place and property in the Cherokee Nation, both times.
Q. Is your wife living at this time? A. Yes, she is living.
Q. Are these two children, [redacted]ie and Pearl, your children by Joanna? A. Yes, sir.
Q. What is true of your residence is also true of these children's residence? A. Yes, sir.
Q. They have lived with you and your wife all the time since their birth? A. Yes, sir.
Q. These children are both living at this time? A. Yes, sir.

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Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 12th day of December, 1902.

B. D. Jones
Notary Public.

Cherokee D-1077.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William Hefferman as a citizen by intermarriage, and for the enrollment of his wife, Joanna Hefferman, and his two minor children, Annie and Pearl Hefferman, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on January 30, 1901, William Hefferman appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Joanna Hefferman, and his two minor children, Annie and Pearl Hefferman, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 19, 1902 and October 10, 1902.

The evidence in this case shows that William Hefferman, a white man, was lawfully married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on September 6, 1894, to Josie Hefferman, nee Keys, a Cherokee by blood. The said Joanna Hefferman is not identified on the 1880 authenticated tribal roll of the Cherokee Nation, but the name of her mother is found upon that roll.

The said Annie Hefferman is shown to be the minor child of the said Joanna Hefferman, and they are both identified on the Cherokee pay roll of 1883, the Cherokee census roll of 1883, the Cherokee pay roll of 1886, the Cherokee pay roll of 1890, the Cherokee census roll of 1890, the Cherokee pay roll of 1894 and the Cherokee census roll of 1896.

The said Pearl Hefferman is shown to be the minor child of the said Joanna Hefferman, and she is identified on the Cherokee census roll of 1890, the Cherokee pay roll of 1890, the Cherokee pay roll of 1894 and the Cherokee census roll of 1896.

The said William Hefferman is identified on the Cherokee census roll of 1896.

The evidence further shows that Joanna Hefferman has resided in the Indian Territory all her life, and that her husband, William Hefferman, has resided in said Territory with his wife since his marriage to her, up to and including September 1, 1902. The minor children applicants herein have lived all their lives in the Indian Territory.

It is, therefore, the opinion of this Commission that William Hefferman should be enrolled as a citizen by intermarriage, and that Joanna Hefferman, Annie Hefferman and Pearl Hefferman, should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby
Acting Chairman.

(SIGNED). T. B. Needles.
Commissioner.

(SIGNED). C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,

this JAN 30 1903

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1077

Muskogee, Indian Territory, January 31, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 30, 1903, granting the application of William Heffernan for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Joanna, and his two minor children, Annie and Pearl Heffernan, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. M-5174

FOR ENROLLMENT AS

CHEROKEE CITIZENS

A Original testimony Jany 30/01

B Mems of application Jany 30/01

C Supplemental testimony Jany 30/01

D Marriage license

E " certificate

F Notice of final consideration 3/19/02

G Order closing testimony 3/19/02

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
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[illegible] CHAIRMAN.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., August 30, 1900.

In the matter of the application of Mary E. Miller for the enrollment of herself as a Cherokee by intermarriage and one son and three grandchildren as Cherokees by blood; being sworn and examined by Commissioner Needles, she testified as follows:

Q What is your name? A Mary E. Miller.
Q What is your age? A 58.
Q What is your post office address? A My post office address is Wagoner.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A By adoption.
Q For whom do you apply for enrollment? A For my family.
Q For yourself? A Yes, sir, as an adopted.
Q Anybody else? A I have a son that is 18.
Q How many children have you? A I have one minor and three grandchildren.
Q Yourself and one child and three grandchildren? A Yes, sir.
Q In what district do you live? A Coowescoowee.
Q How long have you been a resident of the Cherokee Nation? A Since 1887.
Q Continuously, all the time? A Yes, sir.
Q Your father and mother non citizens? A Yes, sir.
Q What is the name of your husband? A Orill Miller.
Q He living? A No, sir.
Q Was he a Cherokee citizen by blood? A Yes, sir.
Q What is the date of his death? A 1898.
Q When were you married? A In 1861.
Q Do you recollect the name of your husband's father? A William B. Miller.
Q He living? A No, sir, he died a year ago.
Q What is the name of your husband's mother? A Her name was Elizabeth.
Q She living? A No, sir.
Q When did she die? A I can't tell you, she hasn't been living since my husband was a boy.
Q What is your child's name? A John Hickman, he is 18.
Q What are the names of these grandchildren? A John Hickman Cartwright, 11 years old.
Q What is the name of the next one? A Leliette Cartwright, 8 years old.
Q What is the name of the next one? A William Thomas Cartwright, 6 years old.
Q What is the next? A That is all.
Q Are these children alive and living with you? A Yes, sir.
Q Your son John lives with you? A Yes, sir, you will find it on the roll of 1880, here is a certificate of admission, there is two.
Q What is the name of the mother of these grandchildren? A Esther Cartwright, nee Miller.
Q Was she a citizen by blood? A Yes, sir, she was our oldest daughter.
Q Is she living? A She is not.
Q What is the name of the father of these children? A John Cartwright.
Q Is he living? A I can't tell you, we haven't seen him in five years, we suppose he is dead.
Q Who was the mother of Esther Miller? A Myself.
Q What was Esther Miller's age? A She died when she was 28, she died in 1895; her children is on the 1896 roll.
You present a certificate of admission to citizenship in the Cherokee Nation, dated June 18, 1878, signed by John Chambers, President of the Commission, O. P. Brewer and George Downing, Commissioners, attested by D. L. Nicholson, Clerk. This certificate of admission

admits Grill Miller to citizenship on the 18th of June, 1878. Is the Grill Miller whom you claim as your husband the identical Grill Miller mentioned in this certificate? A Yes, sir.

Q You were married in 1861? A In 1861 in Texas, and moved to this country in 1867.

Q Were you ever married according to the laws of the Cherokee Nation? A No, sir, they don't require a Cherokee gentleman to have license, it is only those that are girls that marry.

Q Have you any proof of your marriage in Texas? A I suppose it is on the record in Dallas Court House; still the Court House has been burned once, but I don't think the records were burned; there is any citizens there can testify to it in Dallas.

Q Your son, John H., what was the date of his birt ? A In 1869.

Q What is the date of the birth of Esther Miller, or Esther Cartwright? A In 1868 I think, she was 28 when she died and has been dead five years.

(Mary E. Miller on 1896 roll, page 217, No. 2341, Coowescoowee district. John Hickman Miller on 1896 roll, page 219, No. 2418, John H. Miller, Coowescoowee district. John H. Cartwright on 1896 roll, page 138, No. 1199, Coowescoowee district. Leliette Cartwright on 1896 roll, page 138, No. 1200, Lettitia Cartwright, Coowescoowee district. William T. Cartwright on 1896 roll, page 138, No. 1201, Coowescoowee district.)

Q Did you have strip money for these children? A Yes, sir.

Q You didn't pay any for yourself? A Yes, sir; no, I didn't either, not for myself, but for all the children.

(John H. Miller on 1894 roll, page 249, No. 2873, Coowescoowee district. John H. Cartwright on 1894 roll, page 147, No. 675, Coowescoowee district. Leliette Cartwright on 1894 roll, page 147, No. 676, Letitia Cartwright, Coowescoowee district. William T. Cartwright on 1894 roll, page147, No. 677, Wm. Thos. Cartwright, Coowescoowee district. Wash Cartwright on 1894 roll, page 147, No. 674, Coowescoowee district.)

The name of Mary E. Miller appears upon the census roll of 1896. She presents a certificate of admission as described in the testimony, certifying that her husband, Grill Miller, was admitted to citizenship on the 18th of June, 1878, but the name of the said Grill Miller does not appear upon the authenticated roll of 1880 as he died in the year 1880. She avers that she was married to said Grill Miller in the state of Texas under the laws of that state in 1861. She presents no proof of marriage by Cherokee law after the year 1878, the date of her husband's admission, consequently her application for admission as a Cherokee citizen by intermarriage is denied.

John H. Miller, her son, his name is found upon the census roll of 1896, as well as the pay roll of 1894, he having been born to the said Grill Miller and his wife, Mary E. Miller, after the year 1878, and satisfactory proof being made as to his residence, and he being duly identified, he, the said John H., will be duly listed for enrollment by this Commission as a Cherokee citizen by blood.

The applicant applies for the enrollment of John H. Cartwright, Leliette Cartwright, and William T. Cartwright, children of Esther Miller by her husband, John Cartwright, a non citizen, said Esther being the daughter of the said Mary E. Miller. The said Esther Cartwright, the child of Mary E. and Grill Miller, was born in the year 1868, prior to June 12, 1878, the date of the admission of her father to Cherokee citizenship. Her name does not appear upon the certificate admitting her father to citizenship, consequently she wasn't a recognised citizen of the Cherokee Nation by blood, neither are her children, John H., Leliette, and William T., and the application for the enrollment of the said John H. Cartwright, Leliette Cartwright, and William T. Cartwright, will be refused.

The decision and the judgment will be forwarded to the Secretary of the Interior when the rolls of the Cherokee Nation are completed and forwarded to him for approval, and these proceedings are all considered as final, and have to be approved.

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Mary E. Miller - 8.

I desire to inform you that if you desire to take an appeal to the Department from this decision, you can make your application to this Commission in writing and we have blanks back there that you can file with us if you so desire.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 6th day of December, 1920.

Commissioner.

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SUPPLEMENTAL TESTIMONY.

#7211.
D #1078.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 1st, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of John H. Cartwright, et al., #7211, and Mary E. Miller, D. #1078, as citizens of the Cherokee Nation:

MARY E. MILLER, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Mary E. Miller.
Q Mrs. Miller, you applied for the enrollment of yourself and these grandchildren on the 30th day of August, 1900 at Fort Gibson?
A Yes, sir.
Q What is your post office address? A Wagoner.

EXAMINATION BY MR. W. W. HASTINGS, Cherokee Representative:

Q What was your husband's name? A Crill Miller, he usually signs it.
Q What was the mother of these Cartwright children's maiden name?
A Her name was Esther Miller.
Q She was yours and Crill Miller's daughter? A Yes, sir.
Q When was she born? A In 1868, October 21st.
Q When did she remove to the Cherokee Nation? A In 1892 I think it was; we have been here 14 years, I think it was in 1892--No 1886.
Q Your daughter came with you at that time? A Yes, sir.
Q Was she married then? A No, sir.
Q Where did she marry? A Out here at our home on Grand river in Coowescoowee.
Q When? A February 28th, 1889.
Q How long did she live here after she married? A She lived all her married life, except on one visit she was away six months.
Q Whom did she marry? A John H. Cartwright.
Q Is he alive? A I could not tell you, we haven't heard from him for four years; he was in Montana the last time I heard from him.
Q Are these three children the result of that union? A Yes, sir.
Q Where were they born? A At my house.
Q Where are they living? A At my house.
Q Where have they always lived? A Right there.
Q They have never lived anywhere else except the Cherokee Nation?
A No, sir. The mother of these children died at my house.
Q Did their father and mother live together until her death? A Yes, sir;--faithful husband until she died, but he has not been a faithful father for I have had the care of these children since he left.

Com'r Needles:--Applicant presents a duly authenticated and certified copy of a marriage license and marriage certificate, which is ordered filed, certifying that Ezr Charlesous Miller and Mary E. Elk Walker were married according to the laws of the State of Texas on the 26th day of April, 1861.

Q How Esther Cartwright was your child was she? A Yes, sir.
Q Born in wedlock whil married to Mr. Crill Miller? A Yes, sir.

7711.
D.#1078.---E.

Com'r Kendrick:-By reason of supplementary testimony taken this day and by reason of an error being made in the construction of the law when application was originally made for the enrollment of John H., Lelia [illegible] and William T. Cartwright, the judgment rendered by the Commission on the 30th day of August, 1900, as to the enrollment of the said John H., Lelia [illegible] and William T. Cartwright is vacated and will be held for naught, and the following judgment will be entered herewith:

Whereas, satisfactory proof has been made to the Commission that John H., Lelia E. and William T. Cartwright are the children of Esther Cartwright by her husband, John H. Cartwright, and

Whereas, the testimony conclusively shows that the said Esther Cartwright was a child of Crill Miller and Mary E. Miller.

Whereas, the testimony further shows that the said Crill Miller was duly admitted to Cherokee Citizenship in the year 1876, and that the said Esther Cartwright, his daughter, was a minor at the time, 10 years of age.

Whereas, satisfactory proof has been made as to the residence of the said children for whom application is now made. The said John H. Cartwright, Lelia Etta Cartwright and William T. Cartwright, children of Esther Miller Cartwright, and grandchildren of Crill Miller, will be duly listed for enrollment as Cherokee citizens by blood, and their names will be erased from Rejected card No. 117, and placed upon what is known as a straight card.

By reason of further supplementary testimony, the name of Mary E. Miller will be erased from Rejected card No. 117, and placed upon what is known as a Doubtful card and final judgment as to her admission will be suspended.

---oooOOOooo---

J. G. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foretoing is a true and complete t ranscript of his stenographic notes thereof.

J G Rosson

Subscribed and sworn to before me this 2d day of February, 1901.

C Francis

Commissioner.

Cherokee D 1078.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary E. Miller as a citizen by intermarriage of the Cherokee Nation.

O R D E R.

The record in this case shows that on August 20, 1900, Mary E. Miller appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment, upon others, of herself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 1, 1901. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that Mary E. Miller died on March 1, 1901. An affidavit to that effect is made a part of the record herein.

Section twenty-five of the Act of Congress approved July 1, 1902 (Public No. 341), duly ratified as provided for in section seventy-five thereof, provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, ordered by this Commission that the application for the enrollment of Mary E. Miller as a citizen by intermarriage of the Cherokee Nation be, and the same is, hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Acting Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,
this MAR - 2 1903

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1078

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of an order of the Commission to the Five Civilized Tribes, dated March 2, 1903, dismissing the application for the enrollment of Mary E. Miller as a citizen by intermarriage of the Cherokee Nation, she having died on March 1, 1901.

Respectfully,

Chairman.

Enc. M-4196

MRS. GRILL MILLER DEAD.

The End Came at 8 O'Clock This Morning.

After an illness lasting less than two days, Mrs. Grill Miller died of spinal meningitis. The end came at 8 o'clock this morning at her home seven miles east of Wagoner. Deceased was the mother of seven children, three of whom survive her. She was a true Christian woman and leaves a large circle of friends who will long mourn her death.

Mary E. Walker was born January 12, 1861, in Tennessee, and removed to Texas just before the civil war. In South Texas she was married to Mr. Grill Miller, toward the close of the great conflict.

Mr. and Mrs. Miller have made the Indian Territory their home since 1887, and their connections are among the best people of the country.

March 1901

1078

IN THE MATTER OF THE APPLICATION OF

Mary E. Miller

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Dec [illegible] 1901

FOR ENROLLMENT

CHEROKEE CITI

Original testimony Aug 30/00

Memo of application Aug 30/00

Supplemental testimony July 1/

Marriage record

Appeal to Sec. of Int.

Notice of final consideration 3/19/0

Cancelled and to file

Clerk

Joe testimony filed with

Clerk

See jacket No 7211

No 7259

Cher D 1079

Cher D 1079

D 1079

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 8 1901
ACTING CHAIRMAN

REJECTED, as to Applicant's Husband, John Columbus Dobbs.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 4th, 1901.

In the matter of the application of Annie Dobbs for the enrollment of herself, husband and child as citizens of the Cherokee Nation; said Dobbs being sworn and examined by Commissioner Breckinridge, testified as follows:

Q What is your name? A My full name is Annie Dobbs.
Q How old are you? A 19 years old.
Q What is your post office? A Briar Town.
Q In what district do you live? A In the Cherokee Nation, right down here about two miles from Webbers Falls.
Q In what district is that? A Canadian district.
Q You are married are you? A Yes, sir.
Q Is your husband a white man or Cherokee? A He is a white man.
Q Do you want to apply for him--how long have you been married?
A Been married going on three years.
Q Got just one child? A Yes, sir, got just one child.
Q Then you apply for yourself, husband and child? A Yes, sir.
Q You are a Cherokee by blood? A Yes, sir.
Q Your husband you say is a white man? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A All my life; I was born and raised right down here by Webbers Falls.
Q Give me the name of your father? A Bill Lee.
Q Is he dead? A Yes, sir.
Q Give me the name of your mother? A Anna Lee.
Q Is she dead? A Yes, sir, she is dead.
Q When were you married? A I was married in October.
Q October when, what year, two or three years ago? A Yes, sir, I was married two years ago this October past.
Q Were you ever married except that time? A No, sir.
Q Now, give me the name of your husband? A Lum.
Q How old is he? A He is 21 years old last June.
Q Then his real name is John Columbus? A Yes, sir.
Q Have you his marriage license and certificate? A I haint got it with me.
Q Where are they, at home? A Yes, sir.
Q Was he ever married except to you? A No, sir.
Q You and he have lived together ever since you were married, have you? A Yes, sir.
Q Give me the name of your child? A His name is William Roosevelt Dobbs.
Q How old is that child? A He is six weeks old.

Tribal rolls of the Cherokee Nation examined and applicant's name found thereon as follows:
1880 Authenticated roll; page 30, #822, Wm. Lee, Canadian Dist.
1880 Authenticated roll; page 30, #823, Angeline Lee, " "
1896 Census roll; page 46, #1259, Annie Lee, " "

Com'r Breckinridge:--The applicant applies for the enrollment of herself, husband and one child. She states that she is a Cherokee by blood and has lived in the Cherokee Nation all her life. Her father and mother are duly identified on the roll of 1880 as native Cherokees. Both are now deceased. The applicant is too young to be on the roll of 1880 but she is identified on the roll of 1896 as a native Cherokee. She states that she was married to her husband a white man in October, 1898. She has not a marriage license and certificate with her at this time, but states that they are at her home. She is desired to supply the Commission with this evidence of her change of name and when this is supplied to the Commission

she will be listed for enrollment as a Cherokee by blood, her name being temporarily placed upon a doubtful card to await official evidence of her marriage as stated.

She states that neither she nor her husband was ever previously married, and that he has lived with her ever since their marriage. Assuming that the marriage license and certificate will be duly supplied, it nevertheless follows that because of the lateness of his marriage, the same being after the Cherokee law of December 16th, 1895, the application for his enrollment is rejected.

When the applicant supplies the Commission with a duly authenticated certificate of the birth of her child, William R. Dobbs, who is too young to be upon any roll, this child will also be listed for enrollment with its mother as a Cherokee by blood, it being placed for the present upon a doubtful card with its mothers.

---ooo000ooo---

J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recordee the testimony and proceedings in this case, and that the fo regoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rossen

Subscribed and sworn to before me this 4th day of February, 1901.

Commissioner.

Cherokee D 1079

J V d. L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Annie Dobbs, and her minor child, William R. Dobbs, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

--oOo--

The record in this case shows that on February 4, 1901, Annie Dobbs appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her minor child, William R. Dobbs, as citizens by blood of the Cherokee Nation. The application also included her husband, but, as he is differently classified, he is not embraced in this decision.

The evidence shows that the said Annie Dobbs, 19 years of age at the time of this application, the daughter of William Lee and Anna Lee, both identified on the Cherokee authenticated tribal roll of 1880 as native Cherokees, was lawfully married on October 23, 1898, to J. C. Dobbs, a white man. A male child, William R. Dobbs, by name, was born on December 23, 1900, to Annie Dobbs and her husband John C. Dobbs, and proper proof of his birth has been furnished this Commission. The said Annie Dobbs is identified on the Cherokee Census rolls of 1896.

Annie Dobbs was born and reared in the Cherokee Nation and lived there all her life.

It is, therefore, the opinion of this Commission that Annie Dobbs and William R. Dobbs should be enrolled as citizens by blood of the Cherokee Nation according to the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,
this AUG 11 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1079.

Muskogee, Indian Territory, August 13, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 11, 1902, granting the application of Annie Dobbs for the enrollment of herself and child, William R. Dobbs, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against its decision. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 42.

FOR ENROLLMENT AS

CHEROKEE CITIZENS

A Original testimony Feby 4/01

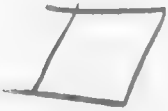
B Memo of application Feby 4/01

C Marriage license & cert. ~~Feby~~

D Birth certificate, William R. Dobbs

E

F



Copy of testimony filed herewith

Dec. [illegible]

Cher D 1080

Cher D 1080

D 1070

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
FEB 8 1901

ACTING CHAIRMAN

REJECTED, as to Wife, Ida.
DOUBTFUL, as to child, Watie Kiser.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 4th, 1901.

In the matter of the application of Stand Watie Davis for the enrollment of himself, wife and child as citizens of the Cherokee Nation; said Davis being sworn and examined by Commissioner Breckinridge, testified as follows:

Q What is your full name? A Stand Watie Davis.
Q How old are you? A 26 years old.
Q What is your post office? A Texana, I. T.
Q In what district do you live? A Canadian.
Q Who is it you want to enroll, just yourself? A Yes, sir, just myself.
Q No family? A Yes, sir.
Q What family have you? A Jeff Davis.
Q Have you got a wife? A Yes, sir.
Q How many children have you? A One.
Q Then you want to enroll yourself, wife and one child? A Yes, sir., it is a white woman, my wife is.
Q You are a Cherokee by blood are you? A Yes, sir.
Q Your wife you say is a white woman? A Yes, sir.
Q How long have you lived in the Cherokee Nation, all your li fe?
A Yes, sir, I was born about two miles from where I am living.
Q Give me the name of your fat her? A Jeff Davis.
Q Is he living? A No, sir.
Q Give me the name of your mother? A Doggie Davis.
Q Is she ali ve? A No, sir.
Q Give me the name of your wife? A Ida Davis.
Q How old is she? A 26.
Q What was her name when you married her? A Ida Harper.
Q Was that her maiden name? A Yes, sir.
Q She was never marri ed except to you? A No, sir. Yes, she has been married once.
Q When was she married to before? A Emery.
Q What was his full name? A Joe Emery.
Q When did she marry Emery? A Texana.
Q How long ago? A '94 I think.
Q When did you marry your wife, Ida? A '99.
Q Was Emery dead when she married you? A No, sir, they separated.
Q Did she get a divorce from him? A Yes, sir.
Q Where is the decree, have you get a copy of the decree of divorce?
A No, sir, not here.
Q Were you ever married except to this wife? A That is all.
Q This is the only time you have ever been married? A Yes, sir.
Q Have you get a certificate of your marriage to this woman? A I did not know it was my use to bring with me.
Q Have you get one at home? A Yes, sir.
Q What is the name of your child? A Watie Kiser Davis.
Q How old is that child? A Two months and four days.

Tribal rolls of the Cherokee Nation examined and applicant's name found thereon as follows:
1880 Authenticated r oll; page 14, #268, E. W. Davis, Canadian.
1896 Census roll; page 1042, #31, Stand Davis, Orphan Roll, Saline district.

Q Was your wife's first husband a Cherokee or white man? A White man.

Com'r Breckinridge)--The applicant applies for the enrollment of himself, his wife and one child: He is identified on the rolls

Stand Watie Davis--S.

on the

of 1880 and 1896 as a native Cherokee. He has lived in the Cherokee Nation all his life and he will be listed for enrollment as a Cherokee by blood.

He states that his wife is a white woman and that they were married in 1899. She was previously married, but her former husband was also a white man. In no event, therefore, is the applicant's wife entitled to enrollment as she derives no right from her first marriage and her second marriage is after the Cherokee law of December 16th, 1895, and the application for her enrollment is rejected.

When the Commission is supplied with a proper certificate of birth of the child, Watie N. Davis, this child will be listed for enrollment as a Cherokee by blood, but at present it will be placed upon a doubtful card to await a copy of the decree of divorce of the applicant's wife from her first husband and a certificate of marriage showing that she was lawfully married to the applicant as stated by him.

---oooOOOooo---

J. C. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J C Reason

Subscribed and sworn to before me this 4th day of ~~MAY~~ February, 1901.

Commissioner.

D1080

109.

Cherokee D 1080

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Watie E. Davis as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

--oOo--

The record in this case shows that on February 4, 1901, Stan W. Davis appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment, among others, of his minor child, Watie E. Davis, as a citizen by blood of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision.

The applicant in this case was born November 30, 1900, and proper proof of his birth has been furnished this Commission. It appears from the evidence that he is the son of Stan W. Davis, a native Cherokee, and his lawful wife, Ida Davis. The father of applicant is duly identified on the 1880 authenticated roll of the Cherokee Nation and also on the 1896 Census roll and has resided in the Cherokee Nation all his life. It is considered that the said Watie E. Davis has lived in the Cherokee Nation from his birth up to and including the date of this application.

It is, therefore, the opinion of this Commission that Watie E. Davis should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

C. R. Breedin
Commissioner.

Dated at Muskogee, Indian Territory,

this SEP 20 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON J. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
Cherokee D 1080.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Stan W. Davis for the enrollment of his minor child, Watie E. Davis, as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 109.

Katie E. Davis

FOR ENROLLMENT AS

CHEROKEE CITIZENS

A Original testimony Feby 4/01

B Mems of application Feby 4/01

C Birth Certificate Katie E. Davis

Transferred to

Ch. # 4819

Copy of testimony filed with

Dec. Docket 1/21/02 2503

7

Cher D 1081

Cher D 1081

Ar 7131

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 23 1901

ACTING CHAIRMAN.

MAR 11 1902
not entered
filed in this
case -ptc

Dr 7131

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 23 1901

ACTING CHAIRMAN.

not entered
filed in the
case. etc

MAR 11 1902

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JANUARY 22nd, 1901.

IN THE MATTER OF THE APPLICATION OF Lydia Hutchings for enrollment as a citizen of the Cherokee Nation, and she being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Lydia Hutchings.
Q How old are you? A Fifty three.
Q What is your Postoffice address? A Bennett.
Q What district do you live in? A Canadian.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Whom do you want to e nroll; yourself? A Yes sir.
Q Just yourself? A Yes sir.
Q Is your name on the roll of 1880? A Yes sir.
Q What was your name in 1880? A Taylor.
Q Afterwards you married Mr. Hutchings? A Yes sir.
Q Is he living now? A Yes sir.
Q Are you living with him? A No sir, he left me. I married Taylor first and he died and I married Toney and he died and I married Hutchings.

(1880 Roll, Page 80, #1380, Lydia Tong, Canadian District)
(1896 Roll, Page 32, #668, Lydia Hutchins, Canadian District)

Q Have you always lived in the Cherokee Nation? A Yes sir.
Q You are living here now? A Yes sir.
Q You are an Indian by blood? A Yes sir.

Com'r. T. B. Needles: The name of Lydia Hutchings is found upon the authenticated roll of 1880, as Lydia Tong, that being the name of her second husband, now deceased, she having since married one, Hutchings. Her name is also found upon the census roll of 1896 as Lydia Hutchins: She is duly identified according to the name and number of the rolls as indicated in the testimony, and makes satisfactory proof of residence: Consequently, she will be listed for enrollment as a Cherokee citizen by blood.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R. R. Cravens

Subscribed and sworn to before me this 23rd day of January, 1901.

COMMISSIONER.

9105

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 8 1901

ACTING CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 5, 1901.

In the matter of the application of Lee H. Hutchens for enrollment as a Cherokee citizen; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Lee H. Hutchens.
Q How old are you? A 39 years old.
Q What is your postoffice? A Texanna.
Q In what district do you live? A Canadian.
Q Do you want to enroll yourself and family? A No sir, just myself.
Q Are you a Cherokee by blood? A No sir, I am a white man.
Q Let me see your marriage license and certificate. (Hands papers to Commissioner)
The applicant presents a license issued by the Clerk of Canadian district, January 11, 1889, authorizing marriage between S. W. Hutches and Mrs. Liddy Tony. The certificate shows that they were united in marriage on the same date as the license by the Clerk of the district. This is filed herewith.
Q Have you lived with your wife ever since you married her in 1889?
A Up until something like two years ago.
Q And then you parted, did you? A Yes sir.
Q Did you leave her, or did she leave you? A Why, I left her.
Q Did you get a divorce from her? A No sir.
Q Why did you leave her? A Just because I could'n't get along with her; she was high tempered.
Q No other reason? A No sir.
Q You haven't married or taken up with any other woman since you left your wife? A No sir.
Q Has she married or taken up with any other man since you left her? A No sir.
Q Have you and she any children? A She has one son.
Q That is your child, is it? A No sir.
Q No children of your marriage? A No sir.
Q Were you ever married except to this wife? A No sir.
Q Was she ever married except to you? A Yes sir, she was married twice before.
Q What was the name of her first husband? A Ben Taylor, I think.
Q When did she marry Ben Taylor? A I don't know when.
Q What is the name of her second husband? A Anderson Tony.
Q You don't know when she married Tony? A No sir.
Q What is your wife's proper name; Liddy Hutchens? A Just Liddy, that's all.
Q How old is she? A About fifty years old.
Q She has lived in the Cherokee Nation all her life, has she?
A Yes sir, she was born and raised in the Cherokee Nation.
Q Were Taylor and Tony both dead when your wife married you? A Yes sir, they were both dead.
Q Your wife has a child by one of her former husband's? A By Taylor.
Q How old is that child? He is grown is he? A Yes sir, he 's 25 years old I expect.
Q What is his name? A John Taylor.
(Upon examination of the authenticated roll of 1880 the name of the applicant's wife is found as follows: page 50, No. 1370, Lydia Tong, Canadian district. On the Census roll of 1896; page 38, No. 868, Lydia Hutchins, Canadian district. On the Census roll of 1896, the name of the applicant is found on page 86, No. 107, as Lee H. Hutchens, Canadian district).
Q Your name in the marriage certificate and license is S. W. Hutchens; is anybody here that knows you, and knows that you are the man who married Liddy Tony? A Yes sir.

3- L.H.H.

Witness, Johnson Barber, being sworn and examined by Commissioner Breckinridge, testified as follows through S. R. Walkingstick, Interpreter:

Q Give me your full name . A Johnson Barber.
Q How old are you? A Something over forty.
Q What is your postoffice? A Texanna.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know this applicant here? A Yes sir.
Q What is his full name? A Lee Hutchens.
Q Do you know his wife? A Yes sir, I am acquainted with her.
Q What is her name? A Liddy Hutchens.
What was her name when he married her? A Liddy Tony.

Commissioner Breckinridge-

The applicant applies for the enrollment of himself only, and states that he is a white man. He shows by the marriage license and certificate filed herewith that he was married in accordance with Cherokee law to a Cherkee wife in 1889. He states that he was never married before, and that his wife was married twice previous to her marriage to him, but that both of her former husbands were dead when he and she were married. This is confirmed by her testimony given in case 7131. The applicant states that he and his wife lived together from the time of their marriage until about two years ago when he left her because of her high temper. She is duly identified on the rolls of 1880 and 1896 as a native Cherokee, and he is identified on the roll of 1896 as a Cherokee by intermarriage. For the further consideration of his right of enrollment as effected by the fact of his having left his wife, which is to be considered especially in connection with Section 667 of the 1893 Compilation of Cherokee Laws, he will now be listed for enrollment upon a doubtful card as a Cherokee by intermarriage, and the final decision of the Commission will be made known to him at his postoffice address.

E.C. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above cause, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. C. Rothenberger

Subscribed and sworn to before me this 5th day of February, 1901.

Commissioner.

LD 1087

D. 1081.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 5, 1902.

In the matter of the application of Lee H. Hutchens for the enrollment of himself as a citizen of the Cherokee Nation.

Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter February 28, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902. Receipt was acknowledged of the Commission's letter, but the applicant failed to respond either in person or by attorney on said date, towit the 19th day of March, 1902. The Cherokee Nation, by its representative, moved that this case be continued until the 5th day of April, 1902, in order that the testimony might be introduced tending to disprove the right of the said Lee H. Hutchens to enrollment as a citizen of the Cherokee Nation. On this date, to wit the 5th day of April, 1902, the Cherokee Nation by its representative makes satisfactory proof of service on the said Lee H. Hutchens that it would on said day, at the office of the Commission in Muskogee, Indian Territory, introduce testimony tending to disprove the right of the said Lee H. Hutchens to enrollment as a citizen of the Cherokee Nation. Said Hutchens has this day been called and fails to respond either in person or by attorney.

LYDIA HUTCHENS, being first duly sworn, testified as follows:

(Through official interpreter S. H. Walkingstick.)

MR. HASTINGS: What is your name? A Lydia Hutchens.
Q How old are you? A 58.
Q What is your postoffice? A Bennett.
Q Did you ever marry a man by the name of Lee H. Hutchens? A Yes, sir.
Q White man? A Yes, sir.
Q Are you living together now? A No, sir.
Q How long have you been living apart? A It will be two years next month.
Q Did you leave him or did he leave you? A He left me.
Q Where did he go to ? A He went to the Choctaw Nation.
Q Did he leave you at that place where you had been living before? A Yes, sir.
Q What was the cause of this separation? A I don't know of any cause at all, I don't know why he left me, whether it was my fault or what.
Q He just picked up and left? A Yes, sir, that is all.
Q You haven't lived together as husband and wife since? A Yes, sir, we have lived together since a short time; he came back and begged for us to live together again.
Q Well, did you separate again? A He took our marriage license away from me, and he says "Put your furniture and things in the wagon and I will take you over to your son's."
Q Well, did he do that? A Yes, sir, we did that. He took me over and took the things out and left them there.
Q Did he go off and leave you then? A Yes, sir, he went back home.
Q Well, how long did he live with you that time? A Just one month.
Q That is the time he got the marriage license was it? A Yes, sir.
Q Was that before the Commission was enrolling people or not around here, when you lived together that month? A Yes, sir, it was sometime prior to that.
Q Does he talk Cherokee? A No, sir.
Q You are a full-blood Cherokee? A Yes, sir.

Q Do you speak English? A Yes, sir, I can talk a little.
Q How long did you live together at first, the first time? A We lived together about nine years.
Q How long was he gone before he come back the second time? A Well, when he went back to the place this second time why he staid there all summer.
Q Wait a minute, what I am trying to get is the length of time he was gone after he left her the first time before he came back the second. A He staid just about a month.
Q Does she mean staid away a month or lived together a month. How long was he gone to the Choctaw Nation after he left the first time? A Just a month.
Q Then when he come back did he live with you a month? A Why this was in the winter time when he went down in the Choctaw Nation, and after he come back it was that summer before we married, that is before we lived together again.
Q Well, did you live together about a month after he came back? A Yes, sir, just about a month.
Q Then he took you over to your son's and left you and went off? A Yes, sir.

COMMISSION: Do you give any cause for this separation at all? A No, sir.

Q During the nine years that you had lived together as man and wife did you get along well, did you have any quarrels or disputes? A No, sir, had no trouble whatever.
Q Did he support you well? A Yes, sir, he furnished plenty, never had any trouble at all.
Q Isn't it a fact that he left you on account of your high temper? A The cause really I think was due to his mother, the interference of his mother and brother and sister.
Q His mother and brother? A Yes, sir.
Q Do you know where he is living now? A Well, she stated that they were all living in the same house, and the house was mine.
Q Do you know where he is living now? A He lives down in there just somewhere beyond where I live.
Q You have never procured a divorce from him have you? A No, sir.
Q Has he been living with any woman since his separation from you? A No, sir, I don't know that he has been living with any other woman. I understood, though, that he was about to be married, married to another woman.
Q Do you know whether he ever procured a divorce from you? A No, sir, I don't know of any.
Q Since your last separation he has never made any effort to induce you to come back and live with him has he? A No, sir.

MR. HASTINGS: What did you do with the place that you was living on? A Why he sold the place, and he told me that when he was talking about selling that this was poor land, and for us to sell it, and then we could buy a better place; and after he sold it why he kept never bought any other place.

COMMISSION: Was this land sold just before the separation? A Yes, sir.
Q Did she receive any of the proceeds of the sale? A Yes, sir, a small portion of it; he took all the money and wouldn't let me have it.
Q What did he do with it, did he buy another farm? A No, sir, he paid his debts.

MR. HASTINGS: Well, how did you get that place? A I purchased the place with my strip money.

COMMISSION: Were you ever married before you married Lee Hutchens? A Yes, sir, I had been married before.
Q How often? A Just the one time, yes, sir, and this young

man's father.
Q Married twice then? A Yes, sir.
Q Were both of those husbands dead when you married Lee Hutchens?
A Yes, sir.

JOHN TAYLOR, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A John Taylor.
Q What is your age? A 30 years old.
Q What is your postoffice? A Bennett.
Q Was this your mother that just left the stand? A Yes, sir.
Q Did you know her second husband, Lee H. Hutchens? A Yes, sir.
Q How far did you live from them when they separated? A I lived, well at the time they moved in there, Lee moved my mother with me, you know, I lived about a hundred yards from him before they sold their place, you know, right there in sight when he sold the place, you know, after he give possession then he moved my mother over there with me, you know.
Q Well, where was your mother living? A Well, that is when they sold, you know, they had to give possession of that house, you know, and there was another house where I was living, you know, just a little piece you know, after they give possession they moved in there with me.
Q He moved in there with you? A Yes, sir, that's where they had the plunder and stuff, you know, when that fellow went off.
Q Well, where did he go to? A He went to the Choctaw Nation as well as we can find out, you know, this fellow met him there close to Bryartown going the other way, you know, he told this fellow, and this fellow came back and told us where he was going, and after that we found out that he was over in the Choctaw Nation.
Q You didn't know when he left where he was going? A No, sir.
Q Some neighbor of yours met him down there and he told you where he was? A Yes, sir, he said he was going right towards the Choctaw Nation.
Q Well, did he come back again up there and live with your mother a while? A Yes, sir, he come back, come two or three times trying to get her to go back, and she wouldn't go, andfinally made up her mind she might go back with him, and they could live better.
Q Well, did he want to take her to the Choctaw Nation? A Why I don't know, I guess not though.
Q Well, where were they when they separated the last time? A Right there close to Texanna.
Q Were they living at your place? A No, sir, when he come back he rented a place from Foster.
Q Well, did he leave her the second time? A Well, I don't know, they just packed up, and he brought her over to my place then.
Q Brought her over there and left her? A Yes, sir, put out her things, you know, I wasn't there you know, over there.
Q He brought your mother over to your place and put out the things and went off? A Yes, sir.

COMMISSION: What was the cause of that separation between your mother and Lee Hutchens? A Well, I don't know for certain, I don't know.
Q Well, do you know of any cause? A Well, the worst part of it was, I could find out, it was about Lee's mother, he kept his mother you know and his brother and sister, you know, and then just before then you know his mother tried to get him to build a house and move separate from them and he never had done it you know.
Q Your mother and Hutchens lived together about nine years didn't they? A Yes, sir.
Q Was Hutchens' mother living with him all that time? A No, sir,

his daddy was living for a good long while, I don't know how long, he finally died, then he took his mother.
Q How long was it before the separation of your mother and Hutchens that his mother came to live there with him; that is, how long was Hutchens' mother living there before this separation took place? A It must have been three or four years, I guess, it was a good long while you know. I don't remember for certain just how long it was.
Q Did your mother always treat Hutchens with due respect? A It seems to me they got along all right before he moved his mother and them other two in with them.
Q He made you say considerable effort to get your mother to come back and live with him? A Yes, sir.
Q Well, why didn't she go? A I don't know, I never heard them talking, I never went around.
Q He always supported your mother well, did he not? A Well enough?
Q Yes, he always contributed to her support, gave her plenty to eat and plenty of clothes to wear? A Well, my mother worked awful hard, I don't know whether she got all she ought to haveor not, she worked pretty hard. She got a whole lot of the grub.
Q He never abused her in any manner did he? A Well, not to my knowing, I don't know, you see I wasn't there all the time, not in my presence he didn't that I know of.
Q And when he came up and asked her to go back and live with him she did go back for a period of about one month didn't she? A I don't know just exactly, it was not very long.
Q Was his mother living there then? A Yes, sir, he had her there with him.

The record in this case is now deemed completed, and the case will be reported to the Commission for final decision based upon the evidence now of record.

I, Arthur G. Croninger, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Arthur G. Croninger

Cherokee D 1081.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lee H. Hutchens for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

--oOo--

The record in this case shows that on February 5, 1901, Lee H. Hutchens appeared before the Commission at Muskogee, Indian Territory, and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation. On April 5, 1902, before the Commission, at its office in Muskogee, Indian Territory, the Cherokee Nation, upon due notice to the applicant, submitted further evidence relative to this application.

The evidence shows that Lee H. Hutchens was lawfully married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation, on January 11, 1889, to Liddy Tony, a citizen by blood of the Cherokee Nation. It appears that he lived with his said wife about nine years, and then abandoned her. The said Lee H. Hutchens is identified on the Cherokee Census roll of 1896.

Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens: "with such intermarried white persons as may be entitled to citizenship under Cherokee laws." Section 667 of the Compiled Laws of the Cherokee Nation (1892) is as follows:

> "Every person who shall lawfully marry under the provisions of this Act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

It is, therefore, the opinion of this Commission that the application for the enrollment of Lee H. Hutchens as a citizen by intermarriage of the Cherokee Nation should be denied and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this _____.

ATTORNEYS
L. B. BELL
W. W. HASTINGS
J. S. DAVENPORT
J. C. STARR, SECRETARY

...OFFICE OF...

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. C. D. 1081.

VINITA, IND. TER. 190

Muskogee, I. T., March 12, 1902.

Lydia Hutchings,

Bennett, I. T.

Dear Madam:

Enclosed herewith find a subpoena for your attendance before the Dawes Commission at Muskogee on the 19th day of March, 1902. Please accept service of the same by signing the blank stamped in red ink on the back of the subpoena, and return to us by first mail, and advise us if you will be here promptly on that date.

Yours truly,

D. 1081

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of ..... A. D. 190...

Given under my hand this..... .....

day of..... .....A. D. 190.

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the ....day of ...., 190 .

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I deliverad a true copy of the within notice to .....

.....

on the .. day of ..... A. D. 190...

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

NOTICE!

IN THE MATTER OF the application of Lee H. Hutchens,
for enrollment as Cherokee citizens:
Case No. D 1081

To Lee H. Hutchens, Texanna, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of ..... Indian Territory, on March, 19, 1902. ..... or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this March, 12, 1902.

W. W. Hastings

Attorneys for the Cherokee Nation

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 1081.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 29, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Lee H. Hutchens for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Commissioner in Charge.

Enc. C. No. 39.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1081.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 9, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Lee H. Hutchens for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 24, 1902.

Respectfully,

Acting Chairman.

IN THE MATTER OF THE APPLICATION OF

Lee H. Bullard

A Original testimony 4 days 3/01

B Mems of application Feby 3/01

C Marriage license & certificate

Notice of final consideration, 3/19/02

Transferred to R-716

Cher D 1082

Cher D 1082

D1098

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...ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. February, 5th 1901.

In the matter of the application of John. W. Brackett, for the enrollment of himself and two minor brothers as Cherokee citizens; he being sworn before Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A. John W. Brackett.
Q How old are you? A. I am 22.
Q What is your post office? A. Sallisaw.
Q In what District do you live? A. Sequoyah.
Q Who is it that you want to have enrolled? A. Myself, and I got two little brothers.
Q Is your father dead? A. Yes sir, and my mother also.
Q How many brothers have you? A. Two, and two sisters.
Q All under age? A. My sisters are both married.
Q Your sisters will have to apply for themselves--Are you a Cherokee by blood? A. Yes sir.
Q How long have you lived in the Cherokee Nation? A. I come here in 1896--in March.
Q You are an admitted citizen then? A. Yes sir, re-admitted when I come here.
Q Have you a certificate of your re-admission? A. Yes sir.

The applicant presents a duly authenticated certificate of admission to Cherokee citizenship, issued by the Cherokee Commission on citizenship, shwoing that on August, 16th, 1889, certain persons were admitted to citizenship by said Commission, and among them appears the name of John W. Brackett, age at that time, eight years.

Q That is your name yait? A. Yes sir.

This is recognized as official evidence of the applicant's admission as stated, and the document is filed herewith.

Q Give me the name of your father? A. Bradford W.
Q Is he dead? A. Yes sir.
Q Give me the name of your mother? A. Lucinda E.
Q Is she dead? A. Yes sir.

The certificate cited shows that at the time previously stated, the applicant's father was admitted to citizenship as well as the applicant himself.

Cherokee census roll of 1896 examined and upon page 1057, #364 thereof, the applicant appears as John W. Bracket, in Sequoyah district, as 17 years of age.

Q Give me the names of your two younger brothers? A. Jefferson Brackett.
Q How old is he? A. Thirteen years old I reckon.
Q Give me the name of the next child. A. Thomas B. Brackett.
Q How old is that child? A. Eleven years old.
Q Are they both living now? A. Yes sir.
Q Do they live with you? A. No sir, one with my cousin and one with my uncle.

Cherokee census roll of 1896 examined and upon page 1057, #367 thereof, appears the name of Jefferson Bracket in Sequoyah district; upon page 1057, #368 appears the name of Thomas B. Bracket in Sequoyah district.

Q When did your brother Jefferson come to the Cherokee Nation? A. When I did.
Q Why is he not on the certificate of admission? A. Wasn't born at that time I reckon.

Q Did Thomas B. come to the Cherokee Nation at the same time you did?
A. Yes sir.

Com'r. Breckinridge:-

The applicant applies for the enrollment of himself and two minor brothers. The father and mother of this family are both dead, and this applicant is permitted to apply for the two children. It is shown by a certificate filed herewith that this applicant and his brothers were admitted to citizenship in 1888 by the Cherokee Commission or Tribunal, and it is shown that the applicant and his two brothers came to the Cherokee Nation in 1896, when all of them were minors. They are all three identified on the roll of 1896; they have lived in the Cherokee Nation ever since they came here in 1896, and they will now be listed for enrollment as Cherokees by blood but on a contested card for the purpose of considering objections that are made by the Cherokee representatives against the admission of all the members of this family. The final decision of the Commission will be made known to the applicant, and if there are any developments made with reference to the questions stated, requiring the further attention on the part of the applicant and his brothers, they will be given due notice of that fact.

Supplemental examination of applicant by the Commission:-

Q. Have you and your brothers lived in the Cherokee Nation ever since you came here in 1896? A. Yes sir.
Q They are your full brothers are they? A. Yes sir.

* * * * * * * * * * * * * * * * *

Chas. Von Wise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in that above entitled cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Chas. Von Wise

Subscribed and sworn to before me this the 8th of February, 1901.

Commissioner.

21052

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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Commissioner.

Dawes to any address in the City of Washington, D. C. on or before [illegible]

File with John W. Brackett, Cherokee D-1068.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 25, 1901.

In the matter of the application of Mary Hill for the enrollment of herself and one niece as Cherokees by blood.

Mary Hill, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Mary Hill.
Q How old are you? A 19 years old.
Q What is your postoffice address? A Sallisaw.
Q What district do you live in? A Sequoyah.
Q Do you apply to be enrolled as a Cherokee by blood? A Yes, sir.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee citizen? A Yes, sir.
Q Is your name on any of the rolls of the Cherokee Nation? A Yes, sir.
Q Is your name on the roll of 1880? A I couldn't be.
Q Who do you want to enroll besides yourself? A My niece, my sisters child, she is dead.
Q What is your niece's name? A Agnes Brackett.
Q How old is she? A 5 years old.
Q What was your father's name? A Bradford W. Brackett.
Q Is he living? A No, sir.
Q What was your mother's name? A Lucinda.
Q Is she living? A No, sir, she is dead too.
Q What was the mother's name of Agnes Brackett? A Laura Brackett.
Q Is she living? A No, sir, she is dead,
Q Is Laura Brackett a sister of yours? A Yes, sir.
Q How long has she been dead? A She has been dead about four years.
Q How old is Agnes? A 5 years old.
Q Is Agnes got any guardian? A None but me.
Q She is living with you? A Yes, sir.
Q Her father living? A I can't tell you whether he is or not, I don't know.
Q You are raising the child, are you? A Yes, sir.
Q Was your father a Cherokee? A Yes, sir.
Q Your mother? A No, sir.
Q Your mother was a white woman? A Yes, sir.

Mr. Wm W. Hastings, Cherokee Representative: Have you got a certificate of admission? A You all have got it, John W. Brackett left it with you when you were at Muskogee last winter.

Commissioner: Who is John W. Brackett? A He is my brother.

Q Are you married? A Yes, sir.
Q What is your husband's name? A Charley Hill.

Commissioner: Applicant presents a certified copy of a certificate of admission, stating that, at the office of the Commission on Citizenship, Tahlequah, Cherokee Nation, the 16th day of August, 1889, among others, one Mary Brackett, the child of Bradford W. Brackett, was admitted to Cherokee citizenship, and also that said certificate shows that Laura Brackett, a sister of the said Mary Brackett and daughter of Bradford W. Brackett, was admitted to Cherokee citizenship; said admission being recorded in Docket B, page 381, the certificate being certified to by Robert T. Hanks, Assistant Executive Secretary, under the great seal of the Cherokee Nation. The original certificate is filed in the matter of the application of John W. Brackett, Card D-1068.

The 1896 census roll of Cherokee citizens examined, and the applicants identified thereon as follows:

Mary Hill on page 1057, No. 866, Sequoyah district, as Mary J. Bracket;

Agnes Brackett on page 1057, No. 869, Sequoyah district, as

Agnes Brackett;
Laura Brackett on page 1057, No. 863, Sequoyah district, as Laura Bracket.

Q How long have you lived in the Cherokee Nation? A Six years.
Q Where did you come from to the Cherokee Nation? A Georgia.
Q Came from the State of Georgia six years ago? A Yes, sir.
Q Where was Agnes born? A In the Cherokee Nation.
Q Did Laura come to the Cherokee Nation at the same time you did? A Yes, sir.
Q You been living in the Cherokee Nation ever since? A Yes, sir.
Q Agnes is living now, is she? A Yes, sir.
Mr. Hastings: What time of the year did you come six years ago? A In March.
Q Of what year? A Of 1896.
Q In March of 1896?. A Yes, sir.
Q Did your father come at the same time? A No, sir, he came in November before that.
Q In November of 1895? A Yes, sir.
Q And the rest of your father's family in November of 1895? A No, sir, they all came in March.
Q The rest of them came in March of 1896? A Yes, sir.
Q Of what did your father's family consist when you all arrived here in 1896; I understand that some of you came in the fall, but when you all got out here in 1896, who of your father's family was here at that time? A Well, Laura and John Brackett and myself and Jeff Brackett and Tom and Allen, he died afterwe came.
Q Now which ones came in the fall of 1895? A Just my father.
Q In November of 1895? A Yes, sir.
Commissioner: What did you say your husband's name was? A Charley Hill.
Q When were you married to him? A This coming October two years.
Q Is he a citizen? A No, sir.
Q A non citizen? A Yes, sir.
Q You have no children? A No.

Mr. Hastings: The representatives of the Cherokee Nation call attention to the act of December 4, 1894, being an act with reference to the return of people admitted to citizenship, within six months from that date, in the Cherokee Nation, and they ask that the testimony taken in this case be made supplemental testimony in the case of John W. Brackett, D-1082.

Commissioner: Mary Hill applies for the enrollment of herself and her niece, Agnes Brackett. She avers that she is the daughter of Bradford W. Brackett. She presents satisfactory proof of her admission to Cherokee citizenship, more particularly described in the testimony. She is duly identified upon the census roll of 1896. She avers that her sister, Laura Brackett, now deceased, had a child named Agnes -
Q Was this child named Agnes Brackett? A Yes, sir.
Q Laura wasn't married then? A No, sir.
- had a child named Agnes, and that she is now the custodian of said child, and the name of the said Agnes Brackett is identified upon the census roll of 1896, all according to page and number of the roll as indicated in the testimony. The applicant avers that she and her sister Laura removed with their father to the Cherokee Nation about six years ago. She avers that she is married to one CharleyHill, a non citizen, and she accounts for the difference in her name between Brackett and Hill. By reason of the fact of her recent removal to the Cherokee Nation and the protest of the representative present, said Mary Hill and her niece, Agnes Brackett, will be now listed for enrollment as Cherokee citizens upon a doubtful card, awaiting further consideration of the Commission, and

and she will be notified at her postoffice address of the decision of the Commission, when the same is arrived at.

The Cherokee Nation prays that the testimony taken herein may be made part of the record in the case of John W. Brackett, who is listed for enrollment on Cherokee D card 1082, and the same is ordered.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 27th of September, 1901.

T. B. Needles

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
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D. 1082.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 19, 1902.

In the matter of the application of John W. Brackett for the enrollment of himself and brothers as citizens of the Cherokee Nation.

Applicant represented by J.H.Huckleberry,Sr.,Sallisaw,I.T.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter February 28, 1902, that his application for the enrollment of himself and brothers as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902. The applicant this day, to wit the 19th day of March, 1902, appears by his attorney, J. H. Huckleberry, Sr., Sallisaw, I. T.

COMMISSION: Do you submit the case in behalf of the applicant?
MR. HUCKLEBERRY: Yes, sir.
The attorney for the applicant and the representatives of the Cherokee Nation present submit the case; the same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

I, Arthur C. Croninger, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I reported in full the testimony and proceedings in the above case, and that the foregoing is a true and completetranscript of my stenographic notes thereof.

Arthur C. Croninger

Cherokee D 1082

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John W. Brackett for the enrollment of himself and his two brothers, Jefferson and Thomas B. Brackett, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

--oOo--

The record in this case shows that on February 5, 1901, John W. Brackett appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself and his two brothers, Jefferson and Thomas B. Brackett, as citizens by blood of the Cherokee Nation. The testimony taken in the matter of the application of Mary Hill, et al., for enrollment as citizens by blood of the Cherokee Nation, is made part of the record in this case.

The evidence shows that the said John W. Brackett, a Cherokee by blood, was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, on August 16, 1889. The father of said John W. Brackett, Jefferson Brackett and Thomas B. Brackett, was admitted to citizenship in the Cherokee Nation at the same time. Jefferson Brackett and Thomas B. Brackett had not been born at the time of the admission of their brother and their father to citizenship. John W. Brackett, Jefferson Brackett and Thomas B. Brackett are all identified on the Cherokee census roll of 1896.

The evidence further shows that the said John W. Brackett, Jefferson Brackett and Thomas B. Brackett came to the Cherokee Nation in March 1896, all being minors at that time, and have lived in the Cherokee Nation ever since that date.

It is, therefore, the opinion of this Commission that John W. Brackett, Jefferson Brackett and Thomas B. Brackett should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this _____

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON J. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1082.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of John W. Brackett for the enrollment of himself and his two brothers, Jefferson and Thomas B. Brackett, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 110.

MATTER OF THE APPLICATION OF

Wm N. Brackett

ENROLLMENT

Original testimony Filed 5/01

Memo. of application Filed 5/01

Certificate [illegible]

Ltr from Mary Miller rec'd - 1/01

Notice of final consideration, 3/19/02

Receipt for testimony

Order closing testimony 3/19/02

Cher D 1083

Cher D 1083

Commissioner Leupp to Supt. Peairs, Jan. 1901.

Commissioner of Indian Affairs to Supt. Peairs, Jan. 1901.

Sir:

Referring to your letter of the 3rd instant, relative to the marriage of Mary Kenoi, a Cherokee orphan girl, to Joseph K. Henson, a Creek freedman, I have to say that the Commissioner of Indian Affairs has no authority to prevent the marriage of any Indian girl to a freedman, and that the Department has no authority to prevent the marriage of any Indian girl to a freedman.

Respectfully,

Acting Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FEB 1901

Received

F1235

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. February, 6th 1901.

In the matter of the application of Sarah E. Henson for the enrollment of herslef and child as Cherokee citizens; she being sworn before Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A. Sarah E. Henson.
Q How old are you? A. 25.
Q What is your post office? A. Vian.
Q What district do you live in? A. Illinois.
Q Who is it that you want to have enrolled? A. Myself and one child.
Q No husband? A. No sir.
Q Are you a Cherokee by blood? A. No sir I am a white woman.
Q You were married to a Cherokee citizen? A. Yes sir.
Q What year were you married in? A. 1893.
Q To whom were you married? A. Cale Henson.
Q Is he dead? A. Yes sir.
Q He was a Cherokee by blood? A. Yes sir.
Q When did he die? A. Been dead two years.
Q How old was he when he died? A. About 25.
Q Did he live in the Cherokee Nation all his life? A. Yes sir.
Q Give me the name of his father? A. Bill Henson.
Q Is he dead? A. Yes sir.
Q Give me the name of your husband's mother? A. I don't know her name exactly.
Q Is she dead? A. Yes sir.
Q Have you a certificate of your marriage to your husband? A. Yes sir.
Q Let me see it. (Hands paper to Commissioner)
Q What was your name when you married your husband? A. Lizzie Blansett

The applicant presents an official copy of the records of Illinois district, which show that on July 28th 1893 the applicant and her husband were married as stated by her by the Clerk of the district. This is filed herewith.

Q Were you ever married except to this husband? A. No sir.
Q Was he ever married except to you? A. No sir.
Q Have you married since his death? A. No sir.
Q Give me the name of your child? A. John Calvin Henson.
Q How old is the child? A. Going on four years old.
Q He is living now is he? A. Yes sir.
Q Have you lived in the Cherokee Nation ever since you and your husband were married? A. Yes sir, all except two months once.
Q Living there now ? A. Yes sir.

Upon an examination of the 1880 authenticated roll of the Cherokee Nation there is found on page 372, #654 thereof the name of Cale Henson in Flint district.

Q Where were you in 1896? A. I was living close to Vian.
Q Why wasn't your names put on the 1896 roll? A. My husband sent in the names by John Mayfield and John Rogers.
Q Didn't you give in your names in 1896? A. I dont remember if they did or not.
Q Didn't the Census takers come to your house? A. No sir I dont remember if they did or not.
Q When were you out of the Nation for two months? A. Been about five years ago.
Q Was your husband with you? A. Yes sir.
Q Where did you go? A. Seventy-five miles below Little Rock.
Q What did you go for? A. To see his brother.
Q What time of the year did you go down there? A. In the Fall and it

was after we come back that he sent in the names.
Q This is your first application to us? A. Yes sir.

Upon an examination of the Cherokee pay roll of 1894 there is found upon page 785, #883, the name of Caleb Henson in Illinois district.

Q Is there any truth in the statement that you have had a child born to you since the death of your husband? A. Yes sir, my husband died on the 11th day of December, and the child was born on the 2nd day of July; it is dead.
Q Has any other child been born to you excepting this one since your husband's death? A. Yes sir.
Q What is this child's name? A. Johnsie Anna Forrest.
Q When was that child born? A. 8th of November.
Q What was the name of the child that died? A. Powhatan Henson
Q Is the father of this last child a white man? A. Yes sir.
Q You and he have been living together? A. Havn't been living in the house together.
Q Havn't had any marriage ceremony performed have you? A. No sir.
Q How far does this man Forrest live from you? A. I dont know where he is.
Q Did you have no understanding with this man Forrest that you were to consider yourselves as man and wife? A. No sir.

BY J. L. Baugh, Cherokee Representative-

Q How long did you live with Forrest? A. I never lived with him at all.

By the Commissioner-

Q How long did you and this man Forrest keep company together? A. About six months.
Q Were you living in the same house? A. No sir.
Q Were you living on the same place? A. On the same farm part of the time.
Q How far apart were you residences? A. About a quarter and then about four miles.

By Com'r Breckinridge:-

The applicant applies for the enrollment of herself and one child; she is shown to have married a Cherokee citizen in 1893; official evidence of which marriage is filed herewith. She states that neither she nor her husband were previously married and that they lived together as man and wife until his death some two years ago . Her deceased husband is duly identified on the 1880 and 1894 rolls, neither he nor the applicant are identified on the 1896 roll, but if her statement that he died only two years ago, be correct, then it is probable that their failing to be on that roll their failure to be on that roll was due either to neglect or to their being absent, as testified to by her, for two months on a visit apparently during the year when that roll was taken. The applicant states that she has never married since her husband's death. It is developed, however, that she has had two children since the death of her husband, the first one of which is dead, the second one born last November, and she states is the child of a man named Forrest. It is not clear that she has not lived with this man Forrest in a manner to constitute a common law marriage. She states that he is a white man. She will be classed at present as a Cherokee by adoption but on a doubtful card for the further consideration of her status.
As to the child, John Calvin Henson, whose age is given as that of four years, this child seems to have been born during the married life of

of the applicant and her Cherokee husband and when the Commission is supplied with a proper certificate of its birth, the child will be listed for enrollment as a Cherokee by blood.

= =

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause and that the foregoing is a full-true and correct transcript of his stenographic notes thereof.

Chas von Weise

Subscribed and sworn to before me this the 7th of February, 1901.

Commissioner.

D1083

B

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 6 1901

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date Feb 6 1900.

Name Nian C.V.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

#1) 25
Wife's name Sarah E. Nenoow.

District Year Page No.

Citizen by blood No Mother's citizenship

Intermarried citizen yes.

Married under what law Cherokee Date of marriage 20 July 1893

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

D 1083

C

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 6 1901

ACTING CHAIRMAN.

file case of
Sarah E. Hanson

B. W. Allen

Myrtle Blanchard Blanchett, " " 10
Alfred Blanchett, " " 10
Alexander Blanchett, " " 6
Mattie " " 3
Beatrice " " 4 months.
Oscar " " 4 months.
Walter " " 4 months.

(Stamped) Hargen Blanchett.

Subscribed and sworn to before me this 5 day of Sept. 1880.

(SEAL)

Jas. Fx. Com. Ex. Dec. 9, '81.

(Stamped) U. S. Land Office
Montgomery, Ala.
SEP 2 1880
Received.

Hargen Blanchett
Homestead Application
No. 2,

Montgomery Co. Ala.

Endorsements: Hargen Blanchett
Application for Homestead
Sept. 2, 1880.
Rejected.
Commissioner:
Let it be noted that the above case is
set to be heard on the 27th day of Oct. 1880.
Sept. 15, 1880.

Commissioner.

The case is dismissed for the reason that the claimant has failed to appear and prosecute his claim.

Sept. 27, 1880.

Commissioner.

---oooOOOooo---

I, J. O. Rosson, Notary Public in and for said County and State aforesaid, do hereby certify that the foregoing is a true and correct transcript of the testimony taken before me in the above case, and that I am not interested in the result of the same.

Witness my hand and official seal this 9th day of Sept. 1880.

J. O. Rosson
Notary Public.

My Commission Expires Jan. 1, 1883.

Filed Sept. 10, 1880.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR
Muskogee, Oklahoma
Act

Cherokee D 1083

Cherokee Nation.

Ill. Dist.

To all whom these presence shall come greeting:

This is to certify that I joined in the holy bonds of Matrimony Cale Henson a citizen of the Cherokee Nation and Miss Lizzie Blansett a citizen of the U. S. on the 28th day of July 1893. according to the laws of the Cherokee Nation.

W. F. Sanders
Clerk ,
Illinois Dist.

I, B. W. Alberty assistant Executive Secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the marriage records of the Illinois District Cherokee Nation: That the said records have been filed in the Executive office of said Nation by law and are in my custody.

B. W. Alberty
Assistant Executive Secretary
Cherokee Nation.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above is a correct copy of the certified copy on file in this office.

Ella Mieling

Supl.-C.D.#1083.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 19, 1902.

SUPPLEMENTAL in the matter of the enrollment of SARAH E. HENSON as a citizen of the Cherokee Nation:

Applicant was notified by registered letter February 28, 1902, that her application for the enrollment of herself as a citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902, and that on said day she might appear before the Commission either in person of by attorney when an opportunity would be given her to introduce any further testimony affecting her application. The applicant has this day, to-wit: the 19th day of March, 1902, been called and failing to respond either in person or by attorney.

Attention is called to the following petition of Harden Blansette, et al., for admission to citizenship in the Cherokee Nation and Exhibit "A" filed with the Commission under the provisions of the Act of Congress approved June 1o? 1896.:

UNITED STATES OF AMERICA,
NORTHERN JUDICIAL DISTRICT,
INDIAN TERRITORY.

To the Hon. Henry L. Dawes and others,
Composing the Commission to the Five
Civilized Tribes of Indians.

HARDIN BLANSETT and)
PERLINA ELIZABETH COTNER) Citizenship Claim. Petition
VS. : of Hardin Blansett.
CHEROKEE NATION.)

Your Petitioner Hardin Blansett begs to make this application for Cherokee Citizenship and states that he and his family as shown by the accompanyhing affidavits marked "Exhibit A," & "B" & "C" & "D" & "E" & "F" & G" & "H" & "I" & "J" & "K" are of Cherokee blood through his mother Sarah Elizabeth Gentry and are entitled to be enrolled and adjudged as such citizens pursuant to the Act of Congress governing said Honorable Commission.

From said affidavits it will more fully appear that applicant is a Cherokee Indian by blood from his mother Sarah Elizabeth Gentry daughter of Shedric Gentry and Martha Ballard--Both Cherokee admitted citizens by blood.

(Signed) Harden Blansett.

Subscribed and sworn to before me this the 2 day of Sept 1896.
(Signed) J. S. Lucas,
Notary Public.

(SEAL)
My Com. Ex. 9, 21, 99.

Endorsements: "Petition. Harden Blansett & Perlina Elizabeth Cotner, vs. Cherokee Nation.
Petition of Hardin Blansett for himself & heirs.
Littlejohn & Jackson, Attys. for Petitioner

UNITED STATES OF AMERICA,
NORTHERN JUDICIAL DISTRICT,
INDIAN TERRITORY.
Vian, I. T.

Before the Honorable Dawes Commission, at Vinita, I. T.

HARDIN BLANSETT and)
PERLINA ELIZABETH COTNER,) Affidavit of Hardin Blansett.
VS. :
CHEROKEE NATION.)

On this 2nd day of Sept. 1896 personally appeared before me, J. S. Lucas, a Notary Public at Vian, I. T., Hardin Blansett to me well known and being first duly sworn deposeth and says.

My name is Harden Blansett. I am the sqme person mentioned in some of accompanyghing affidavits as "Howard Blansett" I am of Cherokee Indian Blood through my mother, whose maiden name was Sarah Elizabeth Gentry. She was the lawful wife of my father, William P. Blansett. My mother's mother, Maidan name Martha Ballard, was the lawful wife of Mother's father, Shedric Gentry. Both of said Grandparents were Cherokee Citizens by blood and so recognized by the Cherokee authorities before their removal West. Said Grand parents moved from Knox County, Tennessee to Jackson County Alabama where they, my parents , lived and where I was born March 1st, 1850. Said grandparents left Alagama when I was about 8 years old. Last I heard of them they were said to be in Pecahontas Arkansas this was about 25 years ago, Fall of 1869. Father, myself, my brothers, John A. & Christopher Columbus & my Sister Perlina Elizabeth Cotner (joint applicant herein) left Alabama, my mother died some years before our leaving Alabama. We came to this Cherokee Nation, Indian Territory. Stayed a month or so and removed to Texas/ where Bro. Columbus died. We then all came back to Cherokee Nation about 1879. went to Tahlequah, made application for citi zenship under the Cherokee Acts of 1870 & 1871, called the general Invitation Acts. But the Cherokee authorities didn't happen to be in a humor to entertain our claims. So we ~~never~~ never got them to take our claims up until the Adair Cherokee Citizenship Commission took our application up, & then ruled us out on same objections to the form of our affidavits. We could get no attorney to represent us before them at this time.

However my sister Perlina Elizabeth Cotner (wife of Jacob Corner) and myself located us farms, accumulated property & made improvements on the strength of our claims & this General Invitation. About 1886 Indian Agent for this Territory ordered us two to remove. Whereupon we forwarded three affidavits of our Blood & rights here to the Secretary of the Interior at Washington, D. C. upon which he ordered the Indian Agent to countermand his order in our cases. on ground of our three affidavits making a prima facie shwoing of our Cherokee Citizenship. Which affidavits were left on file in Indian Agent's office at Muskogee, I. T. Said Agent informs me he has record of their filing, but that he can't find the three affidavits. Said three affiants are now all three dead, and they were all Cherokee admitted citizens by blood. My brother, Columbus, and father died here in Cherokee Nation after our return from Texas. Affiant Toney Smith is reported dead, & affaints Martha Fin-Lucinda Smaples & Mary Carden are out of this Indian Territory.

My present family consists of my wife named Tennessee, age 27 years.

My daughter, named Sarah Elizabeth Henson, age ~~22~~ 21 years.
" " " Laura Adella Henson " 19 y "

"	"	Murta Francis Blansett,	"	16 "
"	"	Arkadelphia "	"	10 "
"	"	Nettie "	"	6 "
"	"	Bessie "	"	3 "
" Son	"	Oscar "	"	4 months.
" Son	"	Walter "	"	4 months.

(Signed) Harden Blansett.

Subscribed and sworn to before me this the 2 day of Sept. 1896.

(Signed) J. S. Lucas, Notary Public.
My Com. Ex. 9, 21, '99.

(SEAL)

Endorsements: Harden Blansett
&
Perlina Elizabeth Cotner,
vs.
Cherokee Nation.

"Exhibit A"

See Applicants.
Rejected.
Affidavit of
Hardin Blansett.

Commission: It appears from the records of the Commission made in accordance with the Act of Congress approved June 10, 1896, that Harden Blansett, et al., applied to the Commission under the provisions of the Act of Congress for admission to citizenship in the Cherokee Nation; that the application was filed September 7, 1896; the answer of the Cherokee Nation filed thereto, and the application denied by the Commission on the 21st day of October, 1896. The records of the Commission fail to show that any appeal was taken from the decision of the Commission:

This case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---oo0oo---

I, J. O. Rosson, hereby certify that as stenographer to the Commission to the five civilized tribes that I correctly recorded the proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J O Rosson

Cherokee D 1083.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sarah E. Henson as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

--oOo--

The record in this case shows that on February 16, 1901, Sarah E. Henson appeared before the Commission at Muskogee, Indian Territory, and made application, among others, for enrollment of herself as a citizen by intermarriage of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 19, 1902.

The evidence shows that the said Sarah E. Henson, a white woman, was lawfully married on July 23, 1893, to Cale Henson, a native Cherokee, who is identified on the 1880 authenticated roll of the Cherokee Nation; that her said husband had been dead two years when this application was made and that she had not remarried since his death.

The evidence further shows that this applicant has resided continuously in the Cherokee Nation since her marriage in 1893 up to and including the date of this application.

From the records of the Commission it appears that the applicant, Sarah E. Henson, in connection with her father and others, filed her original petition, under the Act of Congress, June 10, 1896, (29 Stats. 321), with the Commission to the Five Civilized Tribes for admission as a citizen by blood of the Cherokee Nation, which was denied by the Commission and no appeal taken therefrom.

It is the opinion of this Commission that the applicant's right to enrollment as an intermarried Cherokee is not prejudiced by the denial of her application for admission as a citizen by blood under the provisions of the said Act of June 10, 1896, (29 Stats. 321), and that the said Sarah E. Henson should, therefore, be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of the Act of Congress approved June 28, 1898 (30 Stats. 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this _____

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977
Bettie Mitchell	985
John J. Harrison	993
Jasper N. Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E. Hair	1090
Norman S. Drake	1092
Susan Hogg	1094
David L. Scott	1099
James C. Taylor	1111
Roxie Shepard	1128
Robert G. Elgin	1136
William Hall	1137
Mary Ella Lattimore	1141
Maggie J. Keys	1149
Joseph M. Correll	1177
Jane Ratley	1225
George E. Norton	1234
Mahala D. Thompson	1247
Charles M. Trammel	1264
Flora Carlile	1265
William H. Norrid	1275
Olivia Benge	1276
Dollie Wilson	1278
Moses Bell	1279
Sarah Fleetwood	1290
Rosa E. Fargo	1299
William M. Oliver	1333
Andrew J. Couch	1340
Lina Hyles	1347
Mary M. Miller	1350
Mary E. Taylor	1368
Polly Ann Benge	1369
Margaret Moton	1385
Minnie McKinney	1390
Nettie Seabolt	1418
Lawrence G. Faulkner	1433
Sarah A. Holt	1449
Jennette Polecat	1492
Ellen Seabolt	1508
Charles W. Nettles	1509
Lena Sittingdown	1511
Tim Creeden	1513
Odie Pidcock	1517
Silas A. Saterfield	1529
Laura J. Jeremiah	1530
Etta Hicks	1540
Mary A. B. McKinney	1550
Millie Morton	1554
Andrew Walters	1573
John H. Holder	1610
Mary M. Burr	1612
Thomas E. Bonham	1644
Florence Headrick	1663
Daisy B. Brewer	1709
Annie Cordrey	1717
Adam Eckert	1722
Isaac Timmons	1726
Gent Gibson	1727
Amos Anderson	1731
William J. Mounts	1734
James D. Alexander	1745
Willis E Miles	1769
Lora Adair	1781
John Yarborough	1796
Lillie M. Dassler	1802
Bryant C. Redington	1804
Malisa A. Maxwell	1808
Richard Dukes	1811
Fannie Pettit	1816
Genevia Pool	1817
Mollie Crossland	1822
Lizzie Benge	1828
John H. Welty	1847
Edward P. White	1884
Lauren P. Green	1887
Charles Rosser	1898
Fay Adair	1913
Henrietta Irving	1920
Bird Trippard	1925
John C. Carlile	1937
John W. Gilstrap	1954
Sarah Young	2018
Nancy A. Coleman	2049
James N. Whisenhunt	2118
Hiram Stephens	2157
Asa L. Guinn	2159
Rebecca J. Flying	2172
Thomas J. Measles	2192
Julia Coody	2215
Sarah Crutchfield	2224
Henry E. Lee	2251
Sarah Gritts	2256
John A. Madden	2261
Henry C. Pennel	2271
Matilda S. Cleland	2302
Dona A. Frazier	2312
Laura B. Cordrey	2320

Lafayett D. Kindred	2328
Pearl V. Sisson	2339
Nancy J. Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
William T. Jones	2501
Sarah L. Martin	2502
William J. Shoemaker	2506
Maud Baldridge	2511
James L. Townsend	2513
George L. Morgan	2568
Andrew A. Brown	2575
Louis K. Fair	2623
James L. Mitchell	2644
Martha E. McNair	2659
Millard F. Eggleson	2668
Elisha M. Gray	2686
Jessie M. Ballard	2694
Annie Mayes	2798
Belle Sixkiller	2809
James P. Riley	2825
William Broaddus	2854
William A. Martin	2865
Joseph Q. Buchanan	2888
Marcellus L. Baker	2905
Etta M. Hill	2915
John R. Smith	2922
Ira W. Wallen	2926
John B. Laurence	2959
Lula O. Hitchcock	2961
Bell L. Muskrat	2975
Eliza O'Field	2977
Margaret Suagee	2993
Winfield S. Nance	3007
Benjamin F. Kelley	3010
Mollie Daugherty	3039
Charles H. Leatherman	3043
Alice A. Edwards	3100
Dorinda Adair	3106
William R. Gray	3118
Dora B. Caulk	3143
Jesse M. Gallman	3161
Martha E. Garrett	3162
Artie E. Large	3164
Andrew A. Kelley	3191
Anna B Ryne	3193
Eliza Henderson	3198
David E. Jenkins	3212
Lizzie Falling	3233
Robert L. Payne	3252
William A. J Trotter	3257
Albert P. Goforth	3298
Anna B Martin	3307
William Brown	3344
Jennie B. Bluejacket	3345
William Little	3377
Julia M. A. Russell	3386
Andrew J. Smith	3393
William N. Blakemore	3396
Lizzie Denton	3417
Belle Hudson[illegible]	3435
Thomas S. Heady	3437
William M. Roseborough	3444
Madison G. Hawkins	3467
Japhat F. Ellis	3491
Emma McAffrey	3543
William T. Huitt	3570
Myra F. Chouteau	3580
Phillip Donohoo	3581
Fred L. Kelley	3593
Annie Herod	3594
Maggie V. Fields	3615
Lou Payne	3616
Frederick W. Strout	3692
Andrew L McCamish	3713
Sarah Dirtthrower	3731
William P. Coble	3758
Robert L. Madison	3761
Mariah McDowell	3795
Elizabeth R. Thornton	3811
Donithan A. Wilson	3841
Charles F. Covey	3868
Tamsey M. Williams	3886
Mary J. Wolfe	3889
Lathan Lumbard	3891
Micajah P. Haynes	3897
Annie L Wingfield	3903
Mary Fields	3907
William W. Dudley	3944
Minnie M. McLaughlin	3950
Henry B. Lindsey	3978
Wilbert H. Parkison	3999
Seth R. Hall	4011
Wiley Hanna	4016
Martha M. Woods	4093
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Nancy C. Carey	4131
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William H. Ward	4169
Nannie Brewer	4189

Nancy J. Kinney	4225
Sydney E. Bell	4232
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Dora Frenchman	4262
James R. Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T. Morrison	4294
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Mollie Swannock	4319
Frances Guess	4324
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Quinn Carr	4387
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Elizabeth Riley	4428
John P. Sudderth	4449
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Ida M. Adams	4451
Martha J. Randall	4457
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John W. McDaniel	4544
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Ada Chouteau	4549
Mary Thompson	4571
Ota Armstrong	4593
Mary Spencer	4594
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Annie E. Coker	4605
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Laura E. Smith	4608
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Mattie E. Hill	4760
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Henry D. McDonald	4950
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Joseph Lehr	5851	Florence G Langley	6038
Euin M. Young	5852	John T Ham	6042
Mary C. Barnes	5853	Mary L Jordan	6048
Matilda Thompson	5861	John W. Bradshaw	6076
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Earley F. Ellis	5874	Amanda J Thompson	6082
Rosa B. Alberty	5877	Malissa Hubbard	6089
Sarah Cannon	5879	Jane Benge	6111
Mamie Beck	5887	John D. Ryals	6113
Jack H. Merchant	5888	John C. DeLozier	6117
John D. Merchant	5889	Jessie Willis	6118
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Willie Hilderbrand	7015
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Minerva J. Trent	7051
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Bertha A. Allen	7425
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Mary Blevins	7479
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Mary B. Walkingstick	7642
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Rosie Foreman	8903
Annie Jackson	9034
Margaret T Langley	9092
Ida M. Davis	9266
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Robert L. Gentry	9590
John C. Barker	9591
John P. Greenwood	9593
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Ella Cornwell	9598
Asa A. Hedrick	9599
William C. M. Robinson	9600
Woodrow Hadley	9612
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William M. Evans	9948
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May F. Chambers	9950
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Hannah J. Miller	9998
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Stephen W. Pittsenberger	10005
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Willard E. Hutchins	10016
Jesse Talbert	10020
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Ida L. White	10026
Addie B. Miller	10027
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Wallace Thursday	D	544
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Mattie E. Keys	D	550
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Adam Gearhart	D	806
Cicero F. Rogers	D	855
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James L. Tindle	D	944
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Eliza Wofford	D	967
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John N. Guinn	D	974
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Thomas J. Welch, Jr.	D	1006
Lizzie Christian	D	1010
George Hazlewood	D	1013
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Reuben A. Evans	D	1032
Carrie H. Cobb	D	1049
John M. Burns	D	1069
Sarah E. Henson	D	1083
Laura D. Henson	D	1086
Hettie E. Downing	D	1090
Benjamin F. Crain	D	1099
Benjamin Strickler	D	1129
Nancy Spaniard	D	1130
Annie Wilson	D	1131
Ora H. Maxwell	D	1135
Reuben W. Moore	D	1136
Cora Childs	D	1146
Janie Hughes	D	1179
Francis B. Reid	D	1180
Martha Carey	D	1195
Christina Johnson	D	1199
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Martha J. Henson	D	1218
David A. Martin	D	1228
Fred D. McEnery	D	1235
Nathaniel R. Martin	D	1261
James H. Requa	D	1266
Frank Carver	D	1267
Etta B. Payne	D	1270
Mary Garrett	D	1271
Joe W. Goodman	D	1272
Mathew J. Flanigan	D	1274
Lizzie C. Holland	D	1285
Etta Downing	D	1291
William Caywood	D	1296
Clarence W. Turner	D	1307
Alfred Chaney	D	1313
Euphemia Sweetwater	D	1314
Etta Russell	D	1319
Ella Vann	D	1320
Linnie Wofford	D	1330
Minnie Downing	D	1332
Katie Rider	D	1334
Samuel G Mills	D	1337
Alfred H Woods	D	1342
Cynthia Whitekiller	D	1352
Susie McSpadden	D	1361
Martha J. Houston	D	1363
Samuel M Collier	D	1367
Katy Payne	D	1369
Joseph H. Warren	D	1375
Mattie Miller	D	1433
S. F. Moore	D	1434
Addie Schrimsher	D	1448
Fannie Vann	D	1458
Marcella Blakeney	D	1474
G. W. Williamson	D	1555
C. F Walker	D	1558
Louisa Blevins	D	1567
Frank Cowles	D	1581
Mary Francis Madding	D	1637
Thomas Rodman	D	1661
Katie Still	D	1866
Ira Creach	D	1913
D A Mounts	D	1967
J. C. Sefton	D	1991
Jennie Holland	D	2024
Lou Sanders	D	2216
Caroline Barnes	D	2591
Lacey Crane	D	2592
Daisy Cash	D	2595
Hiram A Landers	D	2599
Charles Neel	D	2603
Mattie Robinson	D	2605
Jennie Rich	D	2606
Alexander C Russell	D	2607
Pricilla Ross	D	2608
Tom W Reeves	D	2609
Mary Smart	D	2612
Rufus Tidmore	D	2613
Jasper Turquitt	D	2614
Mabel West	D	2618
Ophelia West	D	2619
Cora Whisenhunt	D	2620
Katy Martin	D	2667
Willis Butler	D	2686
Claud Barger	D	2687
Disie Conner	D	2698
John Culwell	D	2699

Herbert F. Couch	D	2700
Albert C. Dykes	D	2703
Delora Drew	D	2704
Frank F. Danderson	D	2705
James Gafford	D	2708
Anna L. Harlin	D	2715
William R. Lipsey	D	2717
Bertha Landrum	D	2718
Lila More	D	2722
John D. Mathews	D	2723
Mary McIntosh	D	2725
Bertha Nidiffer	D	2730
Richard Nichols	D	2731
William S. Ross	D	2738
Irene Riley	D	2739
William H. Rowley	D	2740
Colombus C. Scroggins	D	2741
Della Summers	D	2743
William S. Sage	D	2744
Eliza Thomas	D	2748
John P. Thurman	D	2749
Mary E Davis	D	2770
Jessie Frick	D	2774
Enna Buffington	D	2788
Will Black	D	2789
Maggie E. Davis	D	2792
Thomas Dotts	D	2793
William Daws	D	2794
Nancy Dawson	D	2796
Lena Fields	D	2797
Effie Grayham	D	2798
Alice C. Hill	D	2799
Bertha H. Harlin	D	2800
Margrett C. Hudson	D	2801
Joseph A. Kelley	D	2803
Andrew O Kepler	D	2804
Josephine King	D	2805
Sarah Jane Birdsong	D	2806
Marion Maddox	D	2807
John A. McKenzie	D	2808
Ione McGee	D	2809
Ollie Miller	D	2810
William A. Martin	D	2811
Jesse P. Morrow	D	2812
Oliver Mason	D	2813
Edna Whitehead	D	2814
Charley Nuckolls	D	2815
Etta M. Nidiffer	D	2817
Louizer Ossowee	D	2818
William H. Patterson	D	2820
Samuel A. Parkhurst	D	2821
Ellen Rogers	D	2822
Elijah Rolland	D	2827
Endora Steele	D	2828
William M. Stucker	D	2829
Sallie Tauuneacie	D	2831
Mary Tassle	D	2832
John F. Wolf	D	2835
Ruth A. Ward	D	2840
Winnie Daugherty	D	2884
Mary Guthrie	D	2885
Lydia Long	D	2886
Edda Roberts	D	2887
Manda Ward	D	2889
Elmira J. Alberty	D	2905
Thomas C. Cordray	D	2906
Edward Fowler	D	2907
Dora Foreman	D	2908
Parker Holt	D	2909
John Haston	D	2910
Georgie Harlin	D	2911
Percillia Johnson	D	2913
Bettie Morton	D	2915
Samantha Spade	D	2917
Mariah Ward	D	2918
Ellen Watt	D	2919
Nora Morten	D	2920
Lizzie Anderson	D	2981
Francis Duval	D	2984
Wade S. Hayes	D	2987
James A. Hankins	D	2988
Joseph Hardee	D	2991
Tennie Horn	D	2992
Eveline Hall	D	2993
John E. Leftwich	D	2995
Mattie Henson	D	2994
John D. Colvard	D	2998
Charles W. Phillips	D	2999
Sarah Shanks	D	3000
Nettie Young	D	3009
Jerry P. Ables	D	3048
Almedie Ross	D	3052
John S. J Fowler	D	3055
Leaner Hood	D	3056
James D. Jackson	D	3057
Emma G. Nelson	D	3058
Alice Simco	D	3059
George O. Wallace	D	3060
Fannie Clay	D	3078
Ellen Drew	D	3079

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

.....

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
Cherokee D-1083

Muskogee, Indian Territory, February 28, 1902.

Mrs. Sarah E. Henson,

Vian , Indian Territory,

Madam:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 19 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application, that you may deem necessary.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Commissioner in Charge.

Register.

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEELY
C. R. BREECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1083

Muskogee, Indian Territory, October 9th , 1902.

Sarah E. Henson,

Vian, Indian Territory.

Dear Madam:

The Act of Congress, approved July 1, 1902, and entitled ''An Act To provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes,'' (Public No. 241), provides that ''the roll of citizens of the Cherokee Nation shall be made as of September first, nineteen-hundred and two.''

In accordance with said provision, you are hereby notified that the Commission to the Five Civilized Tribes will be at its offices at Muskogee, Indian Territory, until Friday, October 31, 1902, inclusive, for the purpose of affording you an opportunity to show that you have not, between the date of the original application for your enrollment and Sept 2, 1902, forfeited your right as a citizen by intermarriage of the Cherokee Nation.

This evidence should be introduced immediately, as it is necessary in determining your right to share in the allotment of the lands of the Cherokee Nation, and until the same is furnished no further action can be taken looking toward your final enrollment as an intermarried citizen.

Yours truly,

Commissioner in Charge.
~~Acting Chairman.~~

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY.
THOMAS B. NEELEY
C. R. BRECKINRIDGE
ALLISON L. ARVESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 1083

Vinita, Indian Territory, January 26, 1903.

Sarah E. Henson,

Vian, Indian Territory.

Dear Madam:

You are hereby notified that before your application for enrollment as a citizen by intermarriage of the Cherokee Nation will be complete, it will be necessary for you to introduce further testimony showing your right to enrollment on September 1, 1902.

This testimony can be introduced before the Cherokee Land Office of this Commission at Vinita, Indian Territory on or before February 19, 1903.

When you appear, please present this letter.

Respectfully,

Acting Chairman.

CRS

Cher. D 1063

Muskogee, Indian Territory, January 10, 1907.

Sarah E. Henson,

Vian, Indian Territory.

Dear Madam:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-100
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REFER IN REPLY TO THE FOLLOWING:

Cherokee D1083

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 14, 1907.

Sarah E. Henson,

Vian, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated, January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

RPI

Commissioner.

DEPARTMENT OF THE INTERIOR

Commissioner to the Five Civilized Tribes

Muskogee, Indian Territory, March 9, 1907.

NOTICE IS HEREBY GIVEN that the undersigned, the Commissioner to the Five Civilized Tribes, has been designated by the Secretary of the Interior, as the official to make and approve appraisals of the value of improvements upon land in the Cherokee Nation which were made prior to November 5, 1906, by white persons who intermarried with Cherokee citizens prior to December 16, 1895, and who have the right under the Act of Congress approved March 2, 1907 (Public 180), to sell improvements.

NOTICE IS FURTHER GIVEN that former claimants to citizenship by intermarriage who have made permanent and valuable improvements on lands of the Cherokee Nation and who claim the right to sell the same under and by virtue of said Act of Congress of March 2, 1907 (Public 180), must appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, and designate the land upon which are located the improvements which they claim the right to sell by virtue of said Act; and if any such intermarried citizen shall fail to appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, it will be considered that he makes no claim to the benefits conferred by said Act. Such appearance and designation of improvements must be made before the Commissioner at his office in Muskogee, Indian Territory, at any time between Monday, March 11th, 1907, and Saturday, March 30th, 1907, inclusive, or at any of the following named places between the dates named at which places the Commissioner will have a representative to receive said designations and hear testimony relative thereto:

Bartlesville, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Tulsa, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Claremore, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Nowata, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Vinita, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Pryor Creek, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Tahlequah, Ind. Ter., Monday March 18, 1907, to Saturday March 23rd, 1907, inclusive.

Sallisaw, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Designations must be made in person by the intermarried white claimant, or in case proper proof is made that he is physically unable to appear, by some adult member of his immediate family, or in case proper proof is made of the fact that the intermarried white claimant is physically unable to appear and has no adult member of his immediate family, by a person holding a properly executed power of attorney; provided, that in every case the designation must be made by a party familiar with the character, ownership, location and value of the improvements to be designated. At the time of said designation the testimony of any competent person will be taken by the Commissioner as to the location, character and value of said improvements.

No former intermarried white claimant will be permitted to designate improvements upon more land than he would have been entitled to take in allotment for himself had he been admitted to citizenship. If any intermarried white claimant has made a tentative selection of a full allotment he will not be allowed to designate improvements upon other land.

NOTICE IS FURTHER GIVEN that if any citizen of the Cherokee Nation entitled to select an allotment shall claim that the improvements on land tentatively selected by a former intermarried white claimant, or held by him, do not belong to said intermarried white claimant, or makes any adverse claim to said improvements, or to the right of the intermarried white claimant to sell said improvements under the Act approved March

ried with Cherokee citizens prior to December 16, 1895, and who have the right under the Act of Congress approved March 2, 1907 (Public 180), to sell improvements.

NOTICE IS FURTHER GIVEN that former claimants to citizenship by intermarriage who have made permanent and valuable improvements on lands of the Cherokee Nation and who claim the right to sell the same under and by virtue of said Act of Congress of March 2, 1907 (Public 180), must appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, and designate the land upon which are located the improvements which they claim the right to sell by virtue of said Act; and if any such intermarried citizen shall fail to appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, it will be considered that he makes no claim to the benefits conferred by said Act. Such appearance and designation of improvements must be made before the Commissioner at his office in Muskogee, Indian Territory, at any time between Monday, March 11th, 1907, and Saturday, March 30th, 1907, inclusive, or at any of the following named places between the dates named at which places the Commissioner will have a representative to receive said designations and hear testimony relative thereto:

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Pryor Creek, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

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Designations must be made in person by the intermarried white claimant, or in case proper proof is made that he is physically unable to appear, by some adult member of his immediate family, or in case proper proof is made of the fact that the intermarried white claimant is physically unable to appear and has no adult member of his immediate family, by a person holding a properly executed power of attorney; provided, that in every case the designation must be made by a party familiar with the character, ownership, location and value of the improvements to be designated. At the time of said designation the testimony of any competent person will be taken by the Commissioner as to the location, character and value of said improvements.

No former intermarried white claimant will be permitted to designate improvements upon more land than he would have been entitled to take in allotment for himself had he been admitted to citizenship. If any intermarried white claimant has made a tentative selection of a full allotment he will not be allowed to designate improvements upon other land.

NOTICE IS FURTHER GIVEN that if any citizen of the Cherokee Nation entitled to select an allotment shall claim that the improvements on land tentatively selected by a former intermarried white claimant, or held by him, do not belong to said intermarried white claimant, or makes any adverse claim to said improvements, or to the right of the intermarried white claimant to sell said improvements under the Act approved March 2, 1907 (Public 180), said citizen must appear before the Commissioner to the Five Civilized Tribes either at Muskogee, Indian Territory, prior to April 1, 1907, or at one of the places above designated and within the dates above designated and make formal complaint before the Commissioner to the Five Civilized Tribes of his contention. At Muskogee, Indian Territory, between March 11th and March 30th, 1907, inclusive, and at the other places herein named during the hearings at said places as herein fixed, plats will be open for inspection showing the location of tentative allotments made by former claimants to citizenship by intermarriage and all other land on which such claimants claim improvements, so far as indicated by the records of this office.

All persons interested should take careful note of the limitation of time herein provided for, within which designations and complaints may be made, and that they must be made by appearance before the Commissioner.

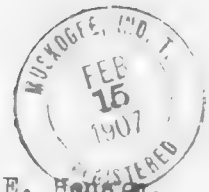
TAMS BIXBY,
Commissioner.

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Che. A-1083

Reg. 4/15/07





Sara E. Hester,

~~Vian, Indian Territory.~~


MUSKOGEE
IND.T.

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

Sarah E. Henson,

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(62)

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

Returned to writer
unclaimed.

Sarah E. Heinson

Vian

Dead Letter



Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Returned

[redacted] Henson,
[redacted] Territory.

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Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.
Penalty for private use, $300.

MUSKOGEE, IND. TER. OCT 11 1902

Sarah E. Henson,

~~Vian,~~

~~Indian Territory.~~

CHEROKEE D 1083

Sarah E. Kinard

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A Orig. application by Feby

B Memorandum of application

C Certified copy of marriage record

D Notice of final consideration, 3/19/0

D 1083

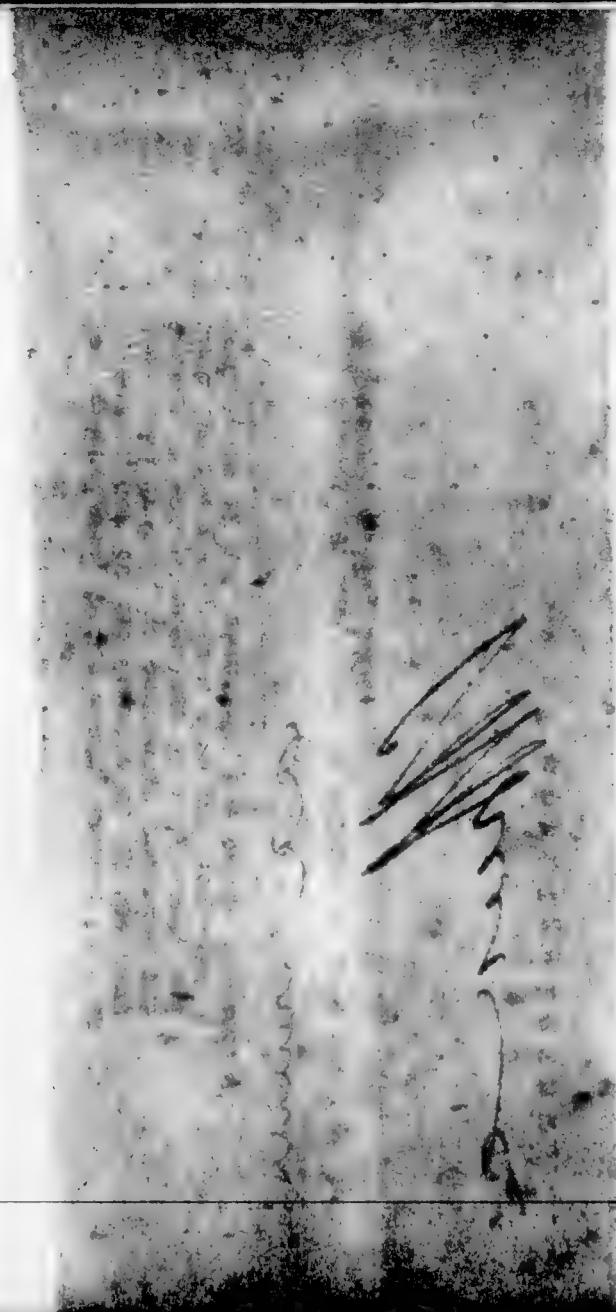
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DEPARTMENT OF THE INT
COMMISSION TO THE FIVE CIVILIZED TRIBES
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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEBRUARY 6th, 1901.

IN THE MATTER OF THE APPLICATION OF Ada M. Pharies for the enrollment of John Allison as a citizen of the Cherokee Nation, and the said Ada M. Pharies, being sworn and examined by Commissioner, C. R. Brockinridge, testified as follows:

Q Give me your full name? A Ada M. Pharies.
Q How old are you? A Twenty five.
Q What is your postoffice? A Wagoner.
Q In what district do you live? A I live in the Creek Nation.
Q Who is it you want to have enrolled? A John Allison.
Q How old is he? A He is twenty five.
Q Is he a Cherokee by blood? A Yes sir.
Q Have you a power of attorney to act for him? A Yes sir.
Let me see it please? (Applicant hands paper to Commissioner)

Com'r. C. R. Brockinridge: The applicant presents what purports to be a power of attorney from John Allison, under date of November 9th, 1900, authorising her to act in his behalf in the matter of enrollment and in looking after his property: It has the names of two witnesses, but is not attested by any official seal: She will be permitted to make application under this power of attorney, but nothing is implied thereby as to its sufficiency to enable her to act with respect to any of his property interests: The document is returned to the applicant, after this identification, ing order that she may send it to John Allison to have his signature attested by a duly authorized official.

Q Was John Allison born in the Cherokee Nation? A No sir.
Q Where was he born? A In Oregon I think.
Q He is at present confined in the penitentiary at Columbus, Ohio, is he? A Yes sir.
Q When did he first come to the Cherokee Nation? A '94 I think.
Q Was he admitted to citizenship when he came? A No sir, his mother was admitted and he was a minor child.
Q Give me the name of his father? A John Allison.
Q The same as himself? A No; his name was William I think.
Q Is he dead? A Yes sir.
Q Give me the name of his mother? A Margarett Allison.
Q Is she dead? A Yes sir.
Q You say his mother was admitted to citizenship? A Yes sir, in 1894.
Q Have you a certificate of her admission? A Yes sir.

Com'r. C. R. Brockinridge: The applicant presents an official certificate, signed by John L. Adair, Executive Secretary, Febuary 6th, 1895, to the effect that Margarett Allison was readmitted to citizenship rights in the Cherokee Nation by an Act of the Cherokee National Council, approved December 8th, 1894, with the proviso that she remove within the limits of the Nation within six months of the approval of the Act. This is filed herewith.

Q When did Margarett Allison come to the Cherokee Nation?
A She came in '93 I think; she was born here and moved away and returned in '93.
Q Did she live here from the time she came in 1893 until she died?
A Yes sir.
Q When did she die? A In the Summer of '98.
Q Did John Allison, for whom you apply, come with her - his mother - in 1893? A Yes sir; in the Fall of 1893.
Q When was John Allison sent to the penitentiary? A He was sent five or six years ago; I don't just remember.
Q Where was he sentenced? A In Fort Smith.

Q Where was the alleged crime committed for which he was sent to the penitentiary? A About eight miles west of Pryor Creek.
Q Was he living there at the time? A No sir; he was living two miles south of the place.
Q He was living in the Cherokee nation? A Yes sir.
Q Do you remember when he committed the crime for which he was sent to the penitentiary? A No; I do not know what year it was; I think it was '95.
Q How long had he been in the Cherokee Nation before that event took place? A About a year.
Q Did he live in the Cherokee Nation continuously from the time he first came until he was sent to the penitentiary? A Yes sir.
Q For how long a period was he sentenced to the penitentiary?
A Seven years and nine months.
Q His term is nearly out then at this time? A It will be out this time a year from next month.
Q Have you any one here who knows John Allison is the son of Margarett Allison? A Yes sir.
Q Who knows? A Mr. Baugh.

Joel L. Baugh, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:
Q Give me your full name? A Joel L. Baugh., forty two years old.
Q What is your Postoffice? A Chouteau.
Q Are you one of the representatives of the Cherokee Nation before this Commission? A Yes sir.
Q Are you personally acquainted with Mrs. Margarett Allison, whose name is mentioned in this application? A I was acquainted with her.
Q She's dead now? A Yes sir.
Q Do you know her son, John? A I have seen him; I was not personally acquainted with him.
Q He is now in the penitentiary at Columbus, Ohio, is he? A Yes sir.
Q Do you know that he was recognized as the son of Margarett Allison? A She told me he was her son.
Q For what offence is he in the penitentiary?
A Killing his father.
Q What is the alleged occasion of his killing his father?
A It was some trouble between Margarett Allison and her husband; they had separated before that.

Applicant, Ada M. Pharies, recalled:
Q What is John Allison's Postoffice-address in the Cherokee Nation? A Pryor Creek.
Q What District is that in? A Cooweescoowee.
Q So, he is considered a citizen of Cooweescoowee District?
A Yes sir.

Com'r. C. R. Breckinridge: The applicant applies for the enrollment of one, John Allison, who is confined in the penitentiary at Columbus, Ohio; and she exhibits a power of attorney, described in the testimony, to act in his behalf as there set forth. She also presents an official certificate of the readmission to citizenship on December 8th, 1894 of Margarett Allison, who is shown by the testimony to have been the mother of John Allison: She is said to have come to the Cherokee Nation prior to her admission to citizenship, and to have lived in the Cherokee Nation from the time of her return until her death. The exact date of the coming of her son, John Allison is not given, but the evidence indicates that he came either prior to the date of the approval of the Act, or while he was still in his minority. For the further consideration of the date of his coming to the Cherokee nation, and for the consultation by the Commission, if so desired, of the prison records cited in his case, he (John Allison) will now be listed for enroll-

ment as a Cherokee by blood, upon a doubtful card, and the final decision of the Commission will be made known to the applicant at her postoffice-address.

The evidence shows that prior to the coming of John Allison to the Cherokee Nation alluded to, he had never been within the Cherokee Nation.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenogrp his notes thereof.

R R Cravens

Subscribed and sworn to before me this 6th day of Febuary, A. D., 1901.

COMMISSIONER.

CD1084

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 28 1902

ACTING CHAIRMAN

Supl.-C.D.#1084.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 19, 1902.

SUPPLEMENTAL in the matter of the enrollment of JOHN ALLISON as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 28, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902. Receipt has been acknowledged of Commission's letter, and the applicant thi day appears by his Agent, I. P. Bledsoe.

The Cherokee Nation by its representatives makes satisfactory proof of service on said John Allison that it would on the 19th day of March, 1902, introduce testimony tending to disprove the rights of said John Allison to enrollment as a citizen of the Cherokee Nation.

Mr. Hastings, Cherokee Representative: The Cherokee Nation offers in evidence the appliation and records in Dawes Commission case No. 5408 for 1896. The Cherokee Nation only asks so much of the record contained in 5408 as shows the application of John Allison, the applicant, and the record as foud in Dawes Commission docket B. page 415, No. 5408, as follows;

Mrs. Margaret E. Turner, Samuel W. Allision,
George A. Allison, Ira B. Allison, Elmer C.
Allison, Jasper Allison, and John Allison,
et al.

vs.

Cherokee Nation.

Application filed September 8, 1896. Answer filed. Application denied at Fort Smith, Arkansas, November 24, 1896.

The records of the Commission fail to show that any appeal was taken from the decision rendered.

The Agent for the applicant and representative of the Cherokee Nation present submit the case. The same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---oooOOOooo---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

Cherokee D 1064.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John Allison as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on February 6, 1901, Ada M. Pharies appeared before the Commission at Muskogee, Indian Territory and made application for the enrollment of John Allison as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory on March 19, 1902.

The evidence shows that the applicant, John Allison, is the son of Margaret Allison, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on December 8, 1894, upon condition that she should remove to the Cherokee Nation within six months from the approval of the act admitting her, which condition she complied with. It further appears that the applicant was a minor at the time of the admission of his mother, Margaret Allison, to citizenship in the Cherokee Nation.

The evidence further shows that the said John Allison removed to the Cherokee Nation in 1893 and resided therein continuously from that time until 1897, when he was sent to the penitentiary where he was still confined at the date of his application.

From the records of this Commission it appears that the said John Allison, with others, made application under the act of June 10, 1896(29 Stats.,321), to the Commission to the Five Civilized Tribes for admission to citizenship in the Cherokee Nation, which application was denied by the Commission and no appeal taken therefrom.

It appears, however, that since the denial of said application Congress has passed the act of June 28, 1898 (30 Stats.,495), in section twenty-one of which act the Commission is directed to enroll, among others,

> "All persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted;"

It is, therefore, the opinion of this Commission, following the construction of said section by the Department in the matter of the application for the enrollment of Frona L. Rowland, et al. as citizens of the Cherokee Nation (I.T.D.7969--1902), that the said John Allison should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Chairman.

(SIGNED). T.B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

(SIGNED). W. E. Stanley.
Commissioner.

Muskogee, Indian Territory,
this SEP 18 1903

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. Oct 6th 1903.

In the matter of the application for the enrollment of John Allison, as a citizen of the Cherokee Nation.

Cher. D. 1084.

Protest of the Cherokee Nation.

Comesnow the Cherokee Nation and protests against the decision of the Commission rendered in this case on September 18, 1903 and asks that the record and proceedings be forwarded to the Honorable Secretary of the Interior for review.

The applicant John Allison applied to the Commission to the Five Civilized Tribes, under the act of June 10th 1896 and was denied; He was at that time declared not to be a citizen of the Cherokee Nation and not being a citizen at that time he has done nothing since then to give him citizenship and we contend that the action of this Commission in 1896 is binding on the Commission now and that this judgment against this applicant in 1896 should now be respected.

Respectfully,

W W Hastings Jr.

Attorney for the Cherokee Nation.

4089

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1084.

Muskogee, Indian Territory, September 22, 1903

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of Ada M. Phariss for the enrollment of John Allison as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Chairman.

Enc. D-39

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1084

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 21, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated September 18, 1903, granting the application for the enrollment of John Allison as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on April 11, 1904.

Respectfully,

Chairman.

John Allison

A Original testimony Feby 6/

B Mems of application Feby 6/0

C Certificate of admission

D Power of attorney

E Judgment Roll Court

F Notice of final consideration, 3/1902

G Proof of service [illegible] 3/12.

H Receipt for [illegible]

[illegible]

[illegible]

[

Cher D 1085

Cher D 1085

Executive Office Cherokee Nation,

Tahlequah Ind.Ter.

I,B.W.Alberty,assistant Executive secretary of the Cherokee Nation do hereby certify that I have examined the marriage records of Canadian District Cherokee Nation to find the record of the marriage of James L.Jerdon to Nancy Emaline McNight,but said marriage does not show on said records;the said records are filed in this office and are in my custody.

Given under my hand and the seal of the Cherokee Nation this the 31st day of January 1901.

B. W. Alberty

Assistant Executive secretary,

Cherokee Nation.

Tahlequah I.T. 1, 31st 1901.

Hon.J.W.Jorden,

Muscogee I.T.

Dear Sir: I have made a thoughor examination of the marriage records of Canadian District and fail to find the marriage of James L.Jorden on record. There has been several calls for records made about 90 and 91 that cannot be found.The last records made in the old marriage record book seems to have been in the early part of 1890 and the first records in the last book are dated Aug.1891 so if Vann made any record of marriages from June 1890 to Aug 28 [redacted]1891 the book must have been lost, as no such records can be found in this office.I find a record of the marriage of John Jorden to [redacted] made in 1892,and the marriages of three Jorden women, I regret I cannot send the copy you desire,but will send you a [redacted]certificate that the marriage is not on record,and you can after producing this prove marriage by a witness who saw the marriage performed.

Very respectfully,

B. W. Alberty
Executive Secretary.

D1085 a

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
FEB 13 1901

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEBUARY 8th, 1901.

IN THE MATTER OF THE APPLICATION OF James L. Jordan for the enrollment of himself, wife and children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give me yo ur full name? A James L. Jordan.
Q How old are you? A Twenty eight.
Q What is your P°stoffice? A Tulsa.
Q In what district do you live? A Coowescoowee.
Q Who is it you want to have enrolled? A I want to enroll myself and family.
Q Have you a wife? A Yes sir.
Q How many children have you? A Thre e.
Q Are you a Cherokee by blood? A Yes sir.
Q Is your wife a Cherokee by blood? A No sir.
Q A white woman? A yes sir.
Q Have you lived in the Cherokee Nation all your life? A No sir.
Q How long have you lived in the Cherokee nation?
A I was partly raised here and partly raised out west in the Strip.
Q How long have you been living continuously in the Cherokee Nation now? A A little over three years.
Q Where were you before that? A Part of the time in Oklahoma and part of the time in the Nation.
Q Where were you born? A In Texas.
Q When did you f&st come to the Cherokee Nation? A '74.
Q Have you lived in the Indian Territory ever since? A No sir, not all the time; I lived in Oklahoma part of the time.
Q Were you living out there when Oklahoma was opened in 1893?
A Yes sir.
Q And did you live there until three years ago? A I was back here, living here before 1896.
Q How long did you stay? A Something over a year that time.
Q You came in the Spring of 1895 then? A Yes sir.
Q Then you went back to Oklahoma? A Yes sir.
Q And how long did you stay there?
A I do not just know.
Q When did you come back again? A About three years ago.
Q In 1897 or 1898? A '97 I believe it was.
Q What did you do when you went to Oklahoma the last time?
A I sold my place and stock.
Q What time of the year was it you came here last?
A In the Spring.
Q Will it be three or four years this coming Spring?
A Three years.
Q You came back then in the Spring of 1898? A Yes sir.
Q Are you a recognized citizen of the Cherokee Nation?
A I suppose so; I have been enrolled several times.
Q Are you on any of the rolls of the Nation? A Yes sir.
Q Give me the name of your father? A John W. Jordan.
Q He is living, is he? A Yes sir.
Q Give me the name of your mother? A At the time of her death her name was Haines.
Q Give me her ~~maiden~~ given name? A Sarah.
Q Is she dead? A Yes sir.
Q Give me the name of your wife? A Nancy Emaline.
Q How old is your wife? A Twenty four.
Q When were you married to her? A December 14th, 1890.
Q Were you ever married except to her? A No sir.
Q Was she ever married except to you? A No sir.
Q Have you lived together ever since you were married?
A Yes sir.
Q Did she come with you to the Cherokee nation in the Spring of 1898? A Yes sir.
Q Have you a certificate of your marriage? A No sir.

Q Give me the names of your children? A William Owen.
Q How old is that child? A Seven.
Q The next child? A Ruthy May.
Q How old is that child? A Six.
Q The next child? A The next one is a baby, three months old.
Q What is its name? A Mary.
Q About three months old? A Yes sir.
Q You have never been admitted to Cherokee citizenship by the Cherokee Commission or Council? A No sir, I never applied.
Q Did you ever apply to the Dawes Commission or the United States Court for admission? A No sir.

(1880 Authentiated Roll of citizens of the Cherokee nation examined and the name of the applicant is found thereon as follows:

Page27, #768, J. L. Jordan, Canadian District, native Cherokee; seven years of age.

(1896 Census Roll of citizens of the Cherokee Nation examined and the names of the applicant, his wife and children are found thereon as follows:

Page872, #984, James L Jordan, Illinois District)
Page 930, #104, Nancy E. Jordan, Illinois District.
Page 872, #985, Willie Jordan, Illinois District.
Page 872, #986, Ruthy Jordan, Illinois District.

By Mr. W. W. Hastings, Cherokee Representative:
Q When did you move to the Cherokee Strip? A I went out there I believe in some time in '80.
Q The year of 1880? A I don't just remember.
Q About what year? A It must have been about '80.
Q The Cherokee Strip was sold to the United States and opened to settlement and became a part of Oklahoma on the 16th of December, 1893, was it? A Yes sir.
Q You were then a resident of that part of the Cherokee Nation which became a part of Oklahoma at that time? A Yes sir.
Q You took an allotment in the Cherokee Strip? A Yes sir.
Q You also took one for your child? A Yes sir.
Q The one that was living at that time? A Yes sir.
Q You became a citizen of Oklahoma and remained there uhtil 1898? A Yes sir.
Q Your father ran for representative in one of the counties? A I think so.
Q You know it, do you not? A I am not positive about it.
Q Did you vote for him? A I don't think I did.
Q Mr. Jordan you have been answering everything in an uncertain way; you know whether you have voted in Oklahoma? A Yes sir, I voted.
Q And you know your father ran for office - a member of the legislature - do you not? A I am not positive but I will say I did.
Q Why are you not positive? A I don't just recollect.
Q You were living then? A Yes sir.
Q It has been within the last seven years? A Well, I will say he did.
Q Where were you married? A At Webbers Falls.
Q When was that? A That was in December, 1890.
Q Then you immediately took your wife out to the Cherokee Strip? A Yes sir.
Q You have lived with your wife continuously up to the present time? A Yes sir.
Q Live with her now? A Yes sir.
Q Where is she now? A Near Tulsa.
Q How far from Tulsa? A About four miles.
Q What direction? A North.
Q Have you a farm there? A Yes sir.
Q When did you acquire it? A About four years ago.

JAMES E. JORDAN ET AL.

---3---

Q I want you to state as nearly as you can the exact date in 1898 when you came back to Goowesscoowee District?
A I do not just remember when it was, but it must have been along in May.

By Commissioner, C. R. Breckinridge:
Q Had you bought that farm before you came back in May, 1898?
A Yes sir.
Q When did you buy that farm? A About a month before I came.
Q Bought it, say in April, 1898? A Yes sir.
Q You did not own any land in the Cherokee Nation before that?
A Yes sir.
Q What land did you own? A I owned a place out here on the Arkansas River.
Q How many acres in cultivation? A About forty acres.
Q How long did you own that place? A Ever since I was a little boy.
Q You still own it, do you? A Yes sir.
Q Do you own the whole of it, or just an interest in it?
A Just a part of it.
Q How much of a part? A Forty acres.
Q Do you own the whole of that forty acres? A Yes sir.
Q You own forty acres yourself? A Yes sir.
Q You have had your interest in the home place since you were a child? A Yes sir.
Q How many acres under cultivation on that forty? A All of it.
Q How many interests in that estate? A I do not know.
Q How many brothers have you? A Two.
Q How many sisters have you? A I haven't any.
Q When did your mother die? A Two years ago.
Q When did your father die? A He is still living.
Q You had no interest in that place except after your father might die and leave it to you? A I held an interest in the place.
Q Was a deed ever made, giving you a separate independent interest in the place? A No sir.
Q Was not the title vested entirely in your father? A I suppose it was.
Q Then you did not have any separate claim on any part of that land? A Nothing only what he told me.
Q How many acres in cultivation altogether on the whole place?
A I don't know.
Q Have you some idea? A NO.
Q You have no idea at all? A No, sir.
Q Have you ever lived on the place? A Not since I was small.
Q Have you ever got any rents from your part of the land? A Yes, sir.
Q How much and when? A I got a span of mules about four years ago.
Q Who gave you those mules. A My father let me have them.
Q How did he happen to give them to you? A He said he would let me have them for the use of the place.
Q And yet you had no interest in it except as one of his children?
A That is all.

By Mr. W. W. Hastings, Cherokee Representative:

Q This farm you spoke of was not in Illinois district? A No, sir.
Q You had no improvements in Illinois district? A No, sir.
Q You had gone there in '96 when you were enrolled? A No, sir.
Q What made you go to that Committee to be enrolled? A I was living over there.
Q In 1896? A Yes, sir.
Q Where were you living? A About one mile east of Vian?

Q How long did you live there? A About a year.
Q About a mile east of Vian? A Yes, sir.
Q And then you moved back to Oklahoma? A Yes, sir.

Com'r Brockinridge:

Q When was it your father ran for Legislature in Oklahoma; do you know what year it was? A No, I don't.
Q You voted for him did you when he ran for Legislature? A Yes, sir.

J. W. Jordan, being sworn and examined by Commissioner Brockinridge, testified as follows:

Q Give your full name? A John W. Jordan.
Q How old are you? A Fifty seven.
Q What is your post office? A Chelsea.
Q You have applied heretofore for the enrollment of yourself? A Yes, sir.
Q You lived for some years in Oklahoma A Yes, sir.
Q You ran for the Legislature out there? A Yes, sir.
Q In what year did you run? A Something after the opening of the Strip.
Q Did you run more than once? A No, sir.
Q Was it as late as 1896 or 1897, three or four years after the strip was opened? A It was the first election after. It could not have been more than '94 or '95.

APPLICANT RE-CALLED:

Q You did not draw Cherokee strip money in 1894? A Yes, sir.
Q You drew a part? A '94, is that the strip payment?
Q Yes? A I drew part.
Q And you gave up part because of having taken land up on the outside? A Yes, sir.

JOHN W. JORDAN, re-called, testified as follows:

Q You are the father of Mr. Jimes L. Jordan here? A Yes, sir.
Q He is a married man is he? A Yes, sir.
Q When was he married? A In the fall of '90.
Q What is the name of his wife? A Nancy H.
Q Did you see them married? A No, sir.
Q Do you know who married them? A Yes, Charles Vann, Clerk of Canadian district.
Q That is your understanding is it? A Yes, sir.
Q They have lived together ever since as husband and wife? A Yes, sir.
Q Your son was never married before that? A No, sir.
Q His wife was never married before that? A No that I know of.

APPLICANT RE-CALLED:

Q These children are all living now are they? A Yes, sir.

Com'r C. R. Brockinridge: The applicant applies for the enrollment of himself, his wife and three children. He is identified on the rolls of 1880 and 1896 as a native Cherokee. It is developed in the testimony that he lived in Oklahoma Territory and exercised the right of citizenship in that Territory after it became a Territory of the United States and no longer of the Indian Territory. It appears that he went to that section of the Territory in or about the year 1880 and there staid until the Spring of 1893, when he

came to the Cherokee Nation and staid something like a year, when he returned to Oklahoma, sold out his property there and returned to the Cherokee Nation in the Spring of 1898, since this time he has continued to live in the Cherokee Nation. He was never re-admitted to citizenship after his residence in Oklahoma. For the further consideration for his right to enrollment under the conditions stated he will now be listed for enrollment as a Cherokee by blood upon a doubtful card, and when the Commission has finally passed upon his case, the decision will be communicated to him at his post office address.

It is shown by satisfactory testimony that he and his wife were married in 1890; that neither was previously married and that they have lived together ever since their marriage. His wife is identified with her husband and two older children, on the roll of 1896, and she will be listed as a Cherokee by adoption, upon a doubtful card with her husband.

His two older children, William O. and Ruthy M., Jordan, are duly identified on the roll of 1896. They are living and will be listed for enrollment on the card with their father and mother as Cherokees by blood.

When the Commission is supplied with a proper certificate of the birth of the youngest child, Mary, this child also will be listed for enrollment as a Cherokee by blood with its parents.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R R Cravens

Subscribed and sworn to before me this 9th day of February, 1901.

C Whitehead

Commissioner.

D1085

B

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 8 1901

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath. Cor

CHEROKEES BY BLOOD AND ADOPTION.

Date Feb 5, 1900.

28
1 Name James M. Jordan

District Cans.

Citizen by blood yes Mother's citizenship

Intermarried citizen no

Married under what law

License

Year 1851 Page 27 No. 768

Parents Wm. [illegible] Jordan a
Sarah Jordan d

Date of marriage

Certificate

24
2 Wife's name Nancy Caroline Jordan

District Ill.

Citizen by blood no. Mother's citizenship

Intermarried citizen yes.

Married under what law

License

Year 1876 Page 930 No. 104

Date of marriage

Certificate

Names of Children:

3 William A. Jordan Dist. Ill. Year 1896 Page ~~730~~ 872 No. ~~147~~ 986 Age 7
4 Ruthie M. Jordan Dist. " Year 4 Page 872 No. 986 Age 6
5 Mary Jordan Dist. " Year Page No. Age 3 mo

Dist. Year Page No. Age
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Dist. Year Page No. Age

Wm. born 1887 known as J. L. Jordan
" 2 " " " " Nancy C. "
" 3 " 1896 " " Frederic "
" 4 " " " " Emily. "
" 5 Certificate of birth to be supplied

D1065

FILED
MAR 21 1962

Cherokee D 1085

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 19,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of James L. Jordon for the enrollment of himself and children as Cherokee citizens.

Appearances:
N.A.Gibson, Muskogee, I. T., atterney for applicants;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 28th,1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, March 19th,1902. Applicant this day, to-wit: the 19th day of March,1902, appears by his attorney, N.A.Gibson.

NANCY EMELINE JORDON, being first d uly sworn and being examined testified as follows:
BY MR. GIBSON:
Q What is your name, Nancy Emeline Jordon? A Yes sir.
Q How old are you? A 26.
Q What r elation are you to James L. Jordon? A His wife.
Q State whether or not he is dead or alive? A He is dead.
Q When did he die? A 22nd of October.
Q Of what year? A 1901.
Q You were his wife at that time you say? A Yes sir.
Q When were you married to him? A 14th dayof December,1890.
Q By whom? A Charley Vann.
Q State whether or not you continued to live with him until his death? A Yes sir.
Q In what district were you married? A I can't recollect now, married at Webbers Falls.
Q In the Cherokee Nation? A Yes sir.
BY MR. GIBSON: We offer in evidence a certificate of B.W.Alberty, Assistant Executive Secretary of the Cherokee Nation relative to the record of marriage license for the year 1890. We also offer a letter from B.W.Alberty, to J.W.Jordon, of date January 1st,1901, relative to this record.
BY COMMISSION: Same will be filed.
BY MR. HASTINGS:
Q You live where, now? A Six miles north of Tulsa.
Q And have lived right there at that place continuous,y all the time? A I have been living there, it will be three years this coming May.
Q You went there in 1899? A Yes sir.
Q Where did you move from there? A Oklahoma.
Q You moved there in May, 1899? A Yes sir.
Q How long had you been living in Oklahoma, since the date of the opening in 1893? A Yes sir but we went back to the Nation and lived there about a year and was enrolled at Vian in 1896.
Q With that exception you lived in Oklahoma? A Yes sir.

BY COMMISSION: The atterney for the applicant and the representative of the Cherokee Nation present submit the case; same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

The attorney for the applicant requests and will be granted 15 days in which to file a brief, one copy with the Commission and one copy with the representative of the Cherokee Nation.

I, M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Emeline Jordan for the enrollment of herself and her three minor children as citizens of the Cherokee Nation.

The proof in this case shows that the principal claimant is the widow of James L. Jordan who ~~husxxxxxx~~ died since the former hearing of this application by this commission, and we submit that the rights of the applicants and of the said children must be considered in the light of the situation in which the said applicant James L. Jordan was at the time when his application was made to this Commission.

The proof is plain that the applicant and her children are all residents of the Cherokee Nation at this time and that they have resided in said nation for a number of years.

The proof further shows that James L. Jordan the husband of the principal claimant is enrolled on the 1880 and 1894 rolls of the Cherokee Nation as a citizen of the said nation, and the only ground upon which it is sought to prevent the enrollment of these applicants as citizens at this time is by reason of the fact that ~~it~~ it is claimed that they have forfeited their rights of citizenship under the provision of the Cherokee constitution, to the effect that whenever any citizen shall remove with his effects from out the limits of that nation and become a citizen of another government he shall thereby lose all of his rights and privileges as a citizen of said nation. We have fully discussed all the law applicable to this case in the case of John W. Jordan, who is the father of James L.Jordan; and we make especial reference to that brief and ask that the Commission will consider the same under the law and testimony in this case in making up its opinion.

We do not believe that the proof will show that all of the conditions provided for in the Cherokee constitution which are necessary to work a forfeiture will be found in this case. The applicants never removed from the Cherokee Nation, but on the contrary while living in the Cherokee Nation, had their homes sold out from under them by the treaty between the United States and the Cherokee Nation, known as the Strip Agreement, and under the provisions of this agreement were permitted to purchase 80 acres of land a head for $1.40 per acre, which amount was deducted from the strip ~~xxxx~~ money due the applicants.

The proof further shows that the applicants have never removed their effects from the Cherokee Nation, but that they have always retained valuable property in that nation and that they are now and ~~as~~ they always have retained valuable property in said Nation and have always considered the Cherokee Nation as their home.

The proof further shows that the principal applicants are enrolled upon the rolls of 1880 and 1894 of the Cherokee Nation, which rolls are expressly confirmed by the acts of congress approved June 10, 1896 June 7, 1897 and May 28, 1898. We do not deem it necessary to go into a minute dissertation upon the merits of this individual case for the reason that thiscase will probably be considered in conjunction with that of John W. Jordan and others similarly situated. We desire to call attention to the Commission especially to the fact that the applicants have never removed with their effects from the Cherokee Nation, and that their names and the names of their descendants must appear upn upon the roll by reason of the fact that the names of the principal applicants ~~as included in the 1880 roll of the Cherokee Nation~~ have been confirmed and their citizenship in said nation has thereby been established beyond doubt. We respectfully submit that no such showing has been made on the part of the Cherokee Nation as would justify the Commission in violating the plain and positive instructions laid down

by the act of June 28, 1898 which unquestionably requires that these applicants be enrolled as citizens of the Cherokee Nation.

Respectfully submitted this 28 day of March, 1902.

N. A. Gibson

Attorney for applicants.

Service of a copy of the foregoing brief accepted this _____ day of March, 1902.

_____

Attorney for the Cherokee Nation

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. June 9th 1902.

In the matter of the application of Emeline Jordan for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation and for the enrollmentof her three children as citizens by blood.
Cherokee D 1085.

Brief on part of the Cherokee Nation.

The testimony in this case shows that the deceased husband of the applicant was a citizen of the Cherokee Nation and that his name appeared upon the authenticated roll of Eighteen Hundred and Eighty; that since that time and soon thereafter, with his father he removed to the Cherokee Strip where he was living in 1890 when he was married to the applicant who was then residing at Webbers Falls in the Cherokee Nation and that they removed to the Cherokee Strip immediately thereafter where they were living in September 1893 when the lands upon which they lived were incorperated into and became a part of the Territory of Oklahoma and they continued to live in the Territory of Oklahoma according to her statement made in March 1902, taken as supplemental testimony in her case, until the Spring of 1899. James L. Jordan her deceased husband was alive and made this application in February 1901 and knowing the effect of non residence in 1898 his memory was very defective as to when he returned to the Cherokee Nation.but the applicant herself makes it very clear. In answer to the question "Q You live where now?" A Six miles north of Tulsa." Q " And have lived right there continuously at that place all thetime?" " I have been living there it will be three years this coming May."" " Q You went there in 1899?" A Yes sir." "Q Where did you move from there?"A "Oklahoma.". "Q You moved there in May 1899?" A "Yes sir."

The testimony of her deceased husband shows that after 1893 up to 1899 he was a recognized citizen of the Territory of Oklahoma, that his father ran for the office of member of the Legislature of the Territory of Oklahoma out there and that he voted in the elections and in fact enjoyed

all the rights of any other citizen of the Territory of Oklahoma and was recognized and considered a citizen of that Territory.

The contention of the Cherokee Nation is that after September 1893 the very moment that James L. Jordan became a citizen of the Territory of Oklahoma, regarded himself as such and exercised the rights of a citizen of that new Territory that very moment his rights as a citizen of the Cherokee Nation ceased because he could not be a citizen of the Territory of Oklahoma and of the Cherokee Nation at one and the same time and in as much as the rights of the applicant and her children depend upon the right of James L. Jordan and he not being entitled to citizenship in the Cherokee nation they are not entitledto be so enrolled

We contend further that they are not entitled to enrollment under that section of the Curtis Bill which provides that "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship.". This act was approved June 28th 1898 and the testimony of the applicant herself which is the only direct and positive testimony in the case as to when the family 'permanently located in the Cherokee Nation is that they removed from the Territory of Oklahoma and settled in the Cherokee Nation six milesnorth of Tulsa in May 1899.

Respectfully Submitted.

J/ C/ S/

Attorney for the Cherokee Nation.

'Sort of, yes.'

'Public.'

'Sort of, yes.'

'Public.'

Cherokee D 1085.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 20, 1902.

In the matter of the application of James L. Jordan for the enrollment of himself and his three minor children, William O., Ruthie M., and Mary Jordan, as citizens by blood, and for the enrollment of his wife, Nancy E. Jordan, as a citizen by intermarriage, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

NANCY E. JORDAN, being sworn, testified as follows:

By the Commission,

Q What is your name, Mrs. Jordan? A Nancy Emeline Jordan.
Q What's your age, Mrs. Jordan? A I was twenty-six in April.
Q What's your postoffice at present? A Tulsa.
Q Are you the same Nancy E. Jordan that made application for enrollment as an intermarried citizen in February, 1902? A Yes, sir.
Q What's your husband's name? A James L. Jordan.
Q Cherokee citizen, was he? A Yes, sir.
Q Is he dead? A Yes, sir.
Q When did he die? A Last October a year ago.
Q When were you married to James L. Jordan? A '90.
Q 1890? A Yes, sir.
Q Were you ever married before you were married to him? A No, sir.
Q Was he ever married before his marriage to you? A No, sir.
Q Did you and he live together as husband and wife from the time of your marriage up to the time of his death? A Yes sir.
Q Have you married since his death? A No, sir.
Q Were you still a widow and single on the first day of September, 1902? A Yes, sir.
Q He is the only husband you have everhad, is he? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A About eighteen years.
Q About eighteen years? A Yes, sir.
Q Have you lived in the Cherokee Nation all the time for the last eighteen years? A We moved out on the Strip in '90, and moved back four years ago.
Q You went out in what is called the Cherokee Strip in 1890 and stayed there until four years ago? A Yes, sir. We were back in '95 a year.
Q You came back in '95 and stayed here until '96? A Yes, sir.
Q What time in '96 did you leave? A We left in the last of April, '96.
Q Then you went back to the Strip? A Yes, sir.
Q You have a place and home there? A Yes, sir.
Q When did you come back to the Cherokee Nation again? A We moved back -- it will be four years this next May.
Q Four years this next May? A Yes, sir.
Q That would be May, '99, would it? A Yes, sir.
Q You are sure it is four years next May since you came back?
A Yes, sir.
Q Have you lived in the Cherokee Nation all the time since then?
Q Yes, sir.
Q Did you and Mr. Jordan have a home there and over in the Cherokee

Nation at one and the same time? A Not at the same time.
Q When you came back in '99 did you buy a place in the Cherokee Nation? A Yes, sir.
Q Are you living at the same place now? A Yes, sir.
Q Are these children, William O., Ruthie M. and Mary, your children by your husband, James L. Jordan? A Yes, sir.
Q They have lived with you all the time? A Yes, sir.
Q And wherever you have lived they have lived? A Yes, sir.
Q And whatever is true of your residence is true of your children, is it? A Yes, sir.
Q Well, now, when you and Mr. Jordan went over to the Cherokee Strip the last time did you go over there with the intention of remaining there, making it your permanent home or not? A No, sir.
Q What was your intention? A We still had a place there. We moved over there and moved back.
Q How many crops did you make after you went back there, Mrs/ Jordan? A One.
Q Went back in '96 and only made one crop? A Yes, sir.
Q You made a crop in '97? A Yes, sir.
Q Did not make any crop in '96, the year you went back? A No, sir.
Q So you made a crop the next year, '97? A Yes, sir.
Q What did you do the next year, '98, after you gathered your crop in '97? A We did not make but one crop when we moved back.
Q Is not it a fact that you moved back in '98 instead of '99? You went back in '96, and made a crop in '97 and the next spring you came back here, that would be '98? A Yes, sir.
Q And have you resided here all the time since you came back the last time? A Yes, sir.
Q Sold out your place? A Yes, sir.
Q Have any property over there? A No, sir.
Q Everything you've got is here in the Cherokee Nation? A Yes, sir.
Q Got no interest there at all? A No, sir.
Q Are you sure you never made but one crop after you went back over there? A Yes, sir.
Q And then after you gathered that crop you came back to the Nation here, did you? A Yes, sir.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 19th day of November, 1902.

B O Jones
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
DEC 30 1902

CERTIFICATE OF RECORD OF MARRIAGE.

United States of America,)
The Indian Territory,) sct.
Southern District.)

I, Joseph W. Phillips, Clerk of the United States Court in the ~~Indian~~ Territory and District aforesaid, do hereby certify that the license for, and certificate of the marriage of J. B. Baldridge and Minnie Rodgers, were filed in my office in said Territory and District the 24 day of Feby A. D. 1897, and duly recorded in Book B of Marriage Record page 508.

Witness my hand and seal of said Court at Ardmore, this 24 day of Feby. A. D. 1897.

Joseph W. Phillips, Clerk
By _____ Deputy.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T. December 26, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

_____
Chief Clerk Cherokee Division.

Sworn to and subscribed before me
this 26th day of December, 1902.

_____
Notary Public.

No. 1021.

Cherokee D-1085.

M A R R I A G E L I C E N S E.

United States of America,)
The Indian Territory,) ss.
Southern District.)

To any person authorized by law to solemnize marriage--Greeting:

You are hereby commanded ~~m~~ to solemnize the rite and publish the banns of matrimony between Mr. J. B. Baldridge of Emet in the Indian Territory, aged 25 years, and Miss Minnie Rodgers of Emet in the Indian Territory, aged 18 years, according to law and do you officially sign and return this license to the parties therein named.

Witness my hand and official seal this 12 day of January A. D. 1897.

Joseph W. Phillips,
(Seal) Clerk of the U. S. Court.

CERTIFICATE OF MARRIAGE.

United States of America,
The Indian Territory,
Southern District.

I, J. M. Raper, a Minister of the Gospel, do hereby certify that on the 15 day of January A. D. 1897 I did duly and according to law, as commanded in the foregoing license, solemnize the rite and publish the banns of matrimony between the parties therein named.

Witness my hand this 15 day of January A. D. 1897.

My credentials are recorded in the office of the Clerk of the United States Court Indian Territory, Southern District, at Ardmore, Book A, page 245.

J. M. Raper,
A Minister of the Gospel.

Note-- This license and certificate of marriage must be returned to the office of the Clerk of the United States Court in the Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the license was issued will be liable in the amount of One Hundred Dollars ($100.)

Cherokee D #1085

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James L. Jordan for the enrollment of himself and minor children, William O., Ruthy M. and Mary Jordan, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Nancy E. Jordan, as a citizen by intermarriage of the Cherokee Nation:

D E C I S I O N .

The record in this case shows that, on February 8, 1901, James L. Jordan appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of himself and minor children, William O., Ruthy M. and Mary Jordan, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Nancy E. Jordan, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 19 and October 20, 1902.

The evidence shows that the said James L. Jordan was lawfully married, in 1890, to one Nancy E. McKnight, a white woman, and that said minor children, William O., Ruthy M. and Mary Jordan, are the issue of said marriage. The said James L. Jordan is identified upon the 1880 authenticated roll of the Cherokee Nation as a native Cherokee; also on the 1896 census roll of said nation, together with his minor children, William O. and Ruthy M. Jordan, as a native Cherokee. The said Nancy E. Jordan is identified on the 1896 census roll of said nation as an intermarried white. The said Mary Jordan, being too young to appear on any of the tribal rolls of said nation, is duly identified by birth affidavits made a part of the record herein.

The evidence further shows that the said James L. Jordan lived in the Cherokee Nation from 1874 until sometime in the year 1880, when he moved into that portion of said nation known as the "Cherokee Outlet" which, in 1893, was ceded to the United States and became a part of Oklahoma Territory; that the said James L. Jordan and his family continued their residence in said Cherokee outlet until in the spring of 1895 when they returned to the Cherokee Nation, as now constituted, and, after residing therein for one year, removed to Oklahoma Territory; that after said removal to Oklahoma Territory, the said James L. Jordan and his family resided therein until in May, 1898, when they again returned to the Cherokee Nation and have since continuously resided therein.

In this connection reference is made to the opinion hereinafter cited, in the case of Daisy Lee Jordan et al. vs. Cherokee Nation, wherein the Court held:

Ch. D #1085

"This Court is of the opinion that the residence, of the parties named, in the territory of Oklahoma, under the facts and circumstances set forth in the Master's report, does not deprive them of citizenship in the Cherokee Nation. They took their lands in the territory by virtue of the treaty between the Cherokees and the United States, and they were recognized by the treaty as Cherokees and entitled to a pro rata share of the Strip payment, and the value of the lands which they took in the Strip was deducted from their Strip money. They have not left the Cherokee Nation or removed their property out of the nation. The nation has simply ceded to the United States that part of its area upon which these persons were permitted to reside."

It appears from the records of the Commission that William O. Jordan and Ruthy M. Jordan, with others, made application, under the Act of Congress approved June 10, 1896 (29 Stats., 321), to the Commission to the Five Civilized Tribes for admission to citizenship in the Cherokee Nation, which application was duly acted upon by the Commission and rejected. Appeal was taken to the United States Court, Northern District Indian Territory, sitting at Muskogee, which court, by judgment rendered November 9, 1897, in the case of Daisy Lee Jordan, et al., vs. Cherokee Nation, #202, reversed said decision of the Commission and admitted the said William O. Jordan and Ruthy M. Jordan to citizenship in the Cherokee Nation.

The evidence further shows that one of the applicants, viz., James L. Jordan, died on the 22 day of October, 1901.

It is, therefore, the opinion of this Commission that William O. Jordan, Ruthy M. Jordan and Mary Jordan should be enrolled as citizens by blood of the Cherokee Nation, and that Nancy E. Jordan should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

It is further ordered that the application for the enrollment of James L. Jordan, as a citizen by blood of the Cherokee Nation, be and the same is hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

C. R. Breckinridge

Commissioner.

Muskogee, Indian Territory,

this FEB -1 1903

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, I.T., February 10th, 1903.

IN THE MATTER OF THE APPLICATION OF JAMES L. JORDAN FOR THE ENROLLMENT OF HIMSELF AND MINOR CHILDREN AS CITIZENS OF THE CHEROKEE NATION BY BLOOD, AND FOR THE ENROLLMENT OF HIS WIFE, NANCY E. JORDAN, AS A CITIZEN OF THE CHEROKEE NATION BY INTER-MARRIAGE.

Cherokee D-1065

PROTEST OF THE CHEROKEE NATION

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission rendered on February 2nd., 1903, and asks that the same be forwarded to the Secretary of the Interior for review, together with the brief heretofore filed before the Commission on the part of the Cherokee Nation.

Reference is also made to the case of John W. Jordan, Cherokee D. 774, also this day appealed to the Secretary of the Interior, from the decision rendered by the Commission on February 2nd., 1903, wherein the reasoning used by the Commission in its decision, similar to that used in this decision, is reviewed.

Respectfully submitted,

N. B. Hastings

Attorney for the Cherokee Nation

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
AUXILIARY CHEROKEE LAND OFFICE.

Muskogee, Indian Territory, February 3, 1905.

In the matter of the allotment of lands to Margaret C. Collins and her minor children, Coleman C., Florence, Fay J., and Sammie M. Collins, Cherokee Card No. 1879, Approved Roll Nos. 4965, 4968, 4969, 4970 and 4971.

Thomas W. Collins, being sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Thomas W. Collins.
Q How old are you? A I am 55 years old.
Q What is your postoffice? A Collinsville, Indian Territory.
Q Was it one time Fort Gibson? A Yes sir.
Q Do you make any claims to Cherokee Citizenship? A Yes sir I am an intermarried citizen.
Q Your citizenship is still pending, is it? A Yes sir.
Q What is the name of your wife? A Margaret C. Collins.
Q The names of the minor children? A Coleman C., Florence, Fay J., and Sammie M. Collins.
Q Are your wife and four children living? A Yes sir.
Q Living with you? Yes sir.
Q What is your object in appearing at the Land Office today? A I desire to give testimony in the matter of allotting lands to my wife and children?
Q Is your wife unable to make personal appearance? A Yes.
Q State the physical conditions of your wife relative to her making personal appearance and selection.
Q Well, she has weak lungs, and not physically able to stand the trip to the Land Office in such weather as this.
Q Your action in the matter of giving testimony for your wife and children meets with the full approval of your wife does it? A Yes sir.
Q You have her full consent to do this? A Yes sir.

(Witness excused).

Blanch Ashton upon oath states that as stenographer to the Commission to the Five Civilized Tribes she accurately recorded the testimony in the above entitled cause and that the foregoing is a correct transcript of her stenographic notes.

Blanch Ashton

Subscribed and sworn to before me this 3rd day of February, 1905.

W. S. Thurlow

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
AUXILIARY CHEROKEE LAND OFFICE.

Muskogee, Indian Territory, February 4, 1905.

In the matter of the application of Susie E. McDaniel, (nee Cobb), Citizen Roll No. 16750, Field No. 7016, to file an allotment for herself in the Cherokee Nation.

Susie E. McDaniel, being sworn, testified as follows:

Examination by the Commission:
Q What is your name? A Susie McDaniel.
Q What is your full name? A Susie E. McDaniel.
Q What is your postoffice address? A Here, Muskogee, I. T.
Q How old are you? A I am 19.
Q What was your maiden name, before you married? A Susie E. Cobb.
Q When were you married? A 10th day of May.
Q Was that the 10th day of May, 1904? A Yes sir.
(Witness excused).

Blanch Ashton upon oath states that as stenographer to the Commission to the Five Civilized Tribes she accurately recorded the testimony in the above entitled cause and that the foregoing is a correct transcript of her stenographic notes thereof.

Blanch Ashton

Subscribed and sworn to before me this 4th day of February, 1905.

W. Strickland
Notary Public.

JOR

Cherokee D-108 5
Allotment H

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHEROKEE LAND OFFICE.
Tahlequah, I. T., February 7, 1905.

In the matter of the application of Nancy E. Jordan for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, Cherokee D-108 5, Allotment H

SUPPLEMENTAL TESTIMONY.

NANCY E. DOWNS, being duly sworn and examined, test ified as follows:

Q What is your present name? A Nancy E. Downs.
Q How old are you? A 28.
Q What is your post-office? A Tulsa, I. T.
Q Were you formerly the wife of James L. [redacted] Jordan?
A Yes.
Q Is he dead? A Yes.
Q Have you married since he died? A Yes.
Q What is the name of your husband? A J. J. Downs.
Q Is he a citizen of the Cherokee Nation? A No.
Q You and he living together now? A Yes.
Q When were you married? A In April 1904.
Q You remember the day of the month? A The 6th day.

Stuart B. Stone, being duly sworn, [redacted] states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the supplemental testimony in this case and that the above and foregoing is a true and complete copy of his stenographic notes thereof.

Stuart B. Stone

Subscribed and sworn to before me
this 7th day of February, 1905.

Notary Public.

SBS

LD SD1085

FILED
FEB 28 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING Cherokee D-1085

IN CHARGE ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 28, 1902.

Mr. James L. Jordan,

Tulsa, Indian Territory,

Sir:-

You are hereby notified that the application of yourself, your wife and three minor children for enrollment as citizens of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 19 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application, that you may deem necessary.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with your certificate of marriage to your wife, Nancy E.

Yours truly,

Commissioner in Charge.

Register.

Acting Chairman.

D. 1085

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on ..... by delivering a true copy thereof on the .....day of ..... A. D. 190...

Given under my hand this ..... day of ..... A. D. 190...

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the ..... day of ....., 190...

.....
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

on the .... day of ..... A. D. 190....

Subscribed and sworn to before me this .....

.....
Notary Public.

NOTICE!

IN THE MATTER OF the application of John Allison, for enrollment as Cherokee citizens:

Case No. D 1085

To John Allison or Ada M. Pharris Agent, Wagoner, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of ..... Indian Territory, on March, 19, 1902. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this March, 12, 1902.

W. W. Hastings

.....

Attorneys for the Cherokee Nation.

Cherokee D-1085.

Muskogee, Indian Territory, December 26,1908.

James S. Baldridge,

Emmett, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of birth affidavits in the matter of the application for the enrollment, as citizens of the Cherokee Nation, of Will and Charley Baldridge. The same are in due form and have been filed.

The marriage license and certificate, showing your marriage on January 15, 1897, to Miss Minnie Rodgers, is herewith returned to you, a copy having been made and retained in the Commission's files.

Respectfully,

Acting Chairman.

Enc. D-2.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1085

Muskogee, Indian Territory, February 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of Nancy E. Jordan for enrollment as a citizen by intermarriage, and William O., Ruthy M. and Mary Jordan for enrollment as citizens by blood of the Cherokee Nation, and dismissing the application for the enrollment of James L. Jordan.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. M-324

COPY.

Cherokee D-1065

Muskogee, Indian Territory, February 18, 1903.

M. A. Gibson,

Attorney for James L. Jordan et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application for the enrollment of James L. Jordan et al., as citizens of the Cherokee Nation, together with a copy of the Commission's decision, dated February 2, 1903, granting said application as to Nancy M., William O., Ruthy M. and Mary Jordan, and dismissing said application as to James L. Jordan.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, had this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tams Bixby.

Enc. M-298

Register

Acting Chairman.

Copy.

Cherokee D-1085

Muskogee, Indian Territory, February 18, 1903.

Nancy E. Jordan,

Tulsa, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application for the enrollment of yourself as a citizen by intermarriage, and for the enrollment of your three minor children, William O., Ruthy M. and Mary Jordan, as citizens by blood, of the Cherokee nation, and dismissing the application for the enrollment of your husband, James L. Jordan.

There has this day been furnished your attorney, N. A. Gibson, Muskogee, Indian Territory, a copy of the record of proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the

COPY

-2-

Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tams Bixby.
Acting Chairman.

Enc. M-90
Register.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE
ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1985

Muskogee, Indian Territory, February 18, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application for the enrollment of James L. Jordan et al., as citizens of the Cherokee Nation, including the Commission's decision, dated February 2, 1903, granting said application as to Nancy E., William O., Ruthy M. and Mary Jordan, and dismissing said application as to James L. Jordan, and the protest of the Cherokee Nation against said decision, dated February 12, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Acting Chairman.

COPY.

Cherokee D-1085

Muskogee, Indian Territory, February 18, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of James L. Jordan et al., as citizens of the Cherokee Nation, including the Commission's decision, dated February 8, 1903, granting said application as to Nancy E., William O., Ruthy M. and Mary Jordan, and dismissing said application as to James L. Jordan.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protestis enclosed.

Respectfully,

Tams Bixby.

Acting Chairman.

Enc. M-393

Through the

Commissioner of Indian Affairs.

Refer in reply to the following:

Land.
12836-1903

(COPY)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, August 26, 1903.

The Honorable
The Secretary of the Interior.

Sir:

Referring to Departmental letter of July 27, 1903, (I.T.D.5816) there is enclosed herewith report of the Commission to the Five Civilized Tribes, dated February 18, 1903, transmitting the record relative to the application of James L. Jordan, et.al., for enrollment as a citizen of the Cherokee Nation. James L. Jordan applies for the enrollment of himself and his minorchildren - William O., Ruthy M., and Mary Jordan - as citizens by blood, and for the enrollment of his wife Nancy E. Jordan as a citizen by inter-marriage.

In accordance with instructions contained in Department letter above referred to, the rights of the applicants who apply for enrollment as citizens by blood willbe considered, and the rights of applicant Nancy E. Jordan will not be considered in this report, as she applies for enrollment as an inter-married citizen.

February 2, 1903, the Commission hel d that William O., Ruthy M., and Mary Jordan, were entitled to enrollment as citizens by

blood; that Nancy E. Jordan was entitled to enrollment by intermarriage; and dismissed the application of James L. Jordan for enrollment as a citizen by blood, the record showing that he died October 22, 1901.

The record in this case shows that James L. Jordan was married in 1890 to Nancy E. McKnight; that the minor children herein mentioned are the issue of that marriage; that the principal applicant is identified by the 1880 authenticated roll as a native Cherokee; that his name appears on the 1896 census roll as a native Cherokee, as does the names of his minor children except Mary Jordan; and that his wife's name appears on that roll as an inter-married citizen. Mary Jordan was born subsequent to the time the 1896 roll was made. The record also shows that James L. Jordan lived in the Cherokee Nation from 1874 until sometime during the year 1880, when he moved to that part of the Cherokee Nation as was then known as the Cherokee Outlet. The Outlet was ceded to the United States in 1893 and became a part of Oklahoma. James L. Jordan and his family continued to reside in the Cherokee Outlet until the spring of 1895, when he returned to the Cherokee Nation. He resided there about one year and removed to Oklahoma. He and his family returned to the Cherokee Nation in May, 1898. They have resided continuously in the Cherokee Nation since that time.

The record also shows that William O. Jordan and Ruthy M. Jordan, in 1896, applied to the Commission for admission to citizenship in the Cherokee Nation in accordance with the provisions of

the Act of June 10, 1896; that they were parties to the case of Daisy Lee Jordan, et.al., vs. Cherokee Nation; that the Commission refused their application; that an appeal was taken to the United States court for the Northern District for the Indian Territory; and that on November 9, 1897, the decision of the Commission was reversed, and the applicants William O. and Ruthy M. Jordan were admitted to citizenship in the Cherokee Nation. The Commission in its decision quotes from the decision of the court in the Daisy Lee Jordan case. From this quotation it appears that the court held that the parties to that case had not removed from the Cherokee Nation with their property, but that the Nation had ceded the Outlet to the Government. The Cherokee Nation by its attorney protests against the Commission's decision. Mary Jordan is properly identified by berth certificate.

The record shows that James L. Jordan was the son of John W. Jordan. From the record in the case it appears to the office that minor applicants William O., Ruthy M., and Mary Jordan are entitled to enrollment as citizens by blood of the Cherokee Nation, and in connection herewith attention is respectfully invited to Departmental letter of June 4, 1903, (I.T.D. 4748), relative to the right of John W. Jordan, et. al., for enrollment as citizens of the Cherokee Nation. James L. Jordan having died prior to September 1, 1902, is not entitled to enrollment.

The approval of the Commission's decision in so far as it relates to the enrollment of the three minor applicants and the dismissal of the application for enrollment of James L. Jordan, is respectfully recommended.

Very respectfully,

(Signed) W. A. Jones,

Commissioner.

GAW-R

(COPY)

D.C. 28799. DEPARTMENT OF THE INTERIOR, J.P.
FHE

I.T.D. 6484-1903. Washington.

October 12, 1903.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving the application of James L. Jordan, for the enrollment of himself and minor children, William O., Ruthy M., and Mary Jordan, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Nancy E. Jordan, as a citizen of said Nation by intermarriage, received with your letter of February 18, 1903, and the Commissioner of Indian Affair's letter of August 26, 1903.

The principal applicant is identified on the 1880 authenticated roll of the Cherokee Nation as a native Cherokee, also on the 1896 census roll of said Nation, together with two of said children; Mary Jordan being too young to appear on any of the tribal rolls of said Nation, is identified by birth affidavit.

James L. Jordan lived in the Cherokee Nation from 1874 until some time in 1880, when he removed into that portion of the nation known as the "Cherokee Outlet", which in 1893 was ceded to the United States, and became a part of Oklahoma. He and his family continued to reside in said Outlet until 1894, when they returned to the Cherokee Nation, and after residing therein for one year,

removed to Oklahoma Territory, where they resided until May, 1898, when they again returned to the Cherokee Nation and have since continuously resided therein.

It also appears that William O. Jordan and Ruthy M. Jordan were admitted to citizenship in the Cherokee Nation by the United States court for the Northern District of Indian Territory, November 9, 1897.

February 2, 1903, finding the facts as stated, you rendered your decision, holding that William O. Jordan, Ruthy M. Jordan and Mary Jordan should be enrolled as citizens by blood of said Nation, and that Nancy E. Jordan should be enrolled as a citizen of said Nation by intermarriage, and rejected the application of James L. Jordan, as he died on the 22nd day of October, 1901.

You referred to the opinion of the court in the case of Daisy Lee Jordan et al., vs. the Cherokee Nation, in which it was held that -

"This Court is of the opinion that the residence, of the parties named, in the territory of Oklahoma, under the facts and circumstances set forth in the Master's report, does not deprive them of citizenship in the Cherokee Nation.....They have not left the Cherokee Nation or removed their property out of the nation. The nation has simply ceded to the United States that part of its area upon which these persons were permitted to reside."

The Commissioner of Indian Affairs recommended that your decision be concurred in, except as to the applicant Nancy E.Jordan.

The Nation protests against your decision, but it is not

necessary to enter into the questions thus raised, for they were disposed of in an analogous case to this, that of John W. Jordan, father of the present applicant, to which the Commissioner refers, affirming your decision in favor of the applicant.

Finding no reason to disturb your decision, it is hereby affirmed, except as to Nancy E. Jordan. Her rights will not be considered at this time as she applies for enrollment as an intermarried citizen, and the question of the rights of intermarried persons in the Cherokee Nation is before the Court of Claims.

A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

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COPY.

Cherokee D-1085.

Muskogee, Indian Territory, October 21, 1903.

W. A. Gibson,

Attorney for James L. Jordan et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated February 2, 1903, granting the application for the enrollment of Nancy E. Jordan as a citizen by intermarriage and for the enrollment of her three minor children, William O., Ruthy M. and Mary Jordan, as citizens by blood, and dismissing the application for the enrollment of James L. Jordan as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior as to all except Nancy E. Jordan on October 12, 1903.

The Department's letter states that the right of Nancy E. Jordan to enrollment as a citizen by intermarriage will not be considered at this time, but will await the decision of the Court of Claims upon the question of the rights of intermarried persons in the Cherokee Nation.

Respectfully,

Commissioner in Charge.

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COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1085.

Muskogee, Indian Territory, October 21, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated February 2, 1903, granting the application for the enrollment of Nancy E. Jordan as a citizen by intermarriage and for the enrollment of her three minor children, William O., Ruthy M. and Mary Jordan, as citizens by blood, and dismissing the application for the enrollment of James L. Jordan as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior as to all except Nancy E. Jordan on October 12, 1903.

The Department's letter states that the right of Nancy E. Jordan as a citizen by intermarriage will not be considered at this time, but will await the decision of the Court of Claims upon the question of the rights of intermarried persons in the Cherokee Nation.

Respectfully,

Commissioner in Charge.

COPY. Cherokee D-1085.

Muskogee, Indian Territory, October 21, 1903.

Nancy E. Jordan,

Tulsa, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated February 2, 1903, granting the application for the enrollment of yourself as a citizen by intermarriage and for the enrollment of your three minor children, William O., Ruthy M. and Mary Jordan, as citizens by blood, and dismissing the application for the enrollment of your husband, James L. Jordan, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior as to all except yourself on October 12, 1903.

The Department's letter states that your right to enrollment as a citizen by intermarriage will not be considered at this time, but will await the decision of the Court of Claims upon the question of the rights of intermarried persons in the Cherokee Nation.

Respectfully,

T. F.

Commissioner in Charge.

(COPY)

D.C.52910-1906. Y.P.

DEPARTMENT OF THE INTERIOR

WASHINGTON. FHB.

I.T.D. 6464-1905. November 28, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Referring to departmental letter of October 12, 1905, in the matter of the application for the enrolment of certain persons as citizens of the Cherokee Nation, including Nancy E. Jordan as a citizen by intermarriage, in view of the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, appealed from the Court of Claims, the application for the enrolment of said Nancy E. Jordan is denied. The claims of the other applicants were disposed of in said letter.

The papers in the case have been sent to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

3 inc. for Ind. Of.

REFER IN REPLY TO THE FOLLOWING:
Cherokee
D 1066.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 13, 1906.

Nancy E. Jordan,

Tulsa, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting yhur application for enrollment as a citizen by intermarriage of the Cherokee Nation was reversed by the Department November 28, 1906.

Respectfully,

S.W. Commissioner.

Cherokee
D 1088.

Muskogee, Indian Territory, December 13, 1906.

N. A. Gibson,

Attorney for Nancy E. Jordan,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application for the enrollment of Nancy E. Jordan as a citizen by intermarriage of the Cherokee Nation was reversed by the Department November 28, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.W-1.
S.W.

REFER IN REPLY TO THE FOLLOWING:
Cherokee
D 1055.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 13, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application for the enrollment of Nancy E. Jordan as a citizen by intermarriage of the Cherokee Nation was reversed by the Department November 28, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.W-2.
S.W.

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REC'D.

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.







Nancy E. Jordan,

Tulsa, Indian Territory.

Cher D 1086

Cher D 1086

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
FEB 19 1907

Commissioner.

Muskogee, Indian Territory, February 18, 1907.

Hon. Thos. B. Needles,
Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Dear Sir:

I am in receipt of your letter of February 16th, 1907, in which you request me to furnish you with a statement of the facts in the case of Lucy Brown, a Creek freedman, who has been arrested on a charge of bigamy, and who is now confined in the jail at Eufaula, Indian Territory, awaiting the action of the Grand Jury.

In reply to your request I have to say that Lucy Brown was married to Jim Brown, a Creek freedman, in the Creek Nation, Indian Territory, in the year 1894, and lived with him as his wife until the year 1900, when she left him and went to the State of Texas, where she remained for a period of about two years, when she returned to the Creek Nation and married Ben Colbert, a Creek freedman, and lived with him as his wife until the year 1904

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 8th, 1901.

In the matter of the application of Laura Della Henson for enrollment as a citizen of the Cherokee Nation; and she being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name? A Laura Della Henson.
Q How old are you? A I am 24.
Q What is your post office? A Webbers Falls.
Q In what district do you live? A Canadian.
Q Who is it you want to have enrolled, just yourself? A Yes, sir; I am not a citizen by blood.
Q Do you claim to be a citizen by adoption? A Yes, sir!
Q When were you married? A I was married April 29th, 1892.
Q To whom? A To Richard Henson.
Q Is he living? A Yes, sir, he's living.
Q Is he a Cherokee by blood? A Yes, sir.
Q Have you a certificate of your marriage to him? A Yes, sir.

Com'r Breckinridge: The applicant presents a certificate signed by the Rev. W. B. Tumstall stating that he performed the marriage cere mony as indicated in the testimony, on the 29th day of April, 1892. This is filed herewith.

Q Were you ever married before your marriage to Mr. Henson? A No, sir.
Q Was he ever married before his marriage to you? A No, sir.
Q Are you still living with him? A No, sir.
Q How old is he? A He is about 35.
Q Has he lived in the Cherokee Nation all his life? A Yes, sir.
Q How long did you and he life together? A Not quite three years.
Q Have you ever had a divorce from him? A Yes, sir.
Q Have you a copy of the decree of divorce? A Yes, sir.
Q Was the divorce granted to you or to him? A It was granted in my favor but he applied for it.
Q What cour t granted the divorce? A Cherokee Court, at Claremore
Q When was the divorce granted? A In '95 I believe.
Q Are there any children of this marriage? A No, sir.
Q There has been no children of this marriage? A Yes, sir, I have two children dead.
Q Were they living at the time of the degree of divorce? A No, sir.
Q They were both dead then? A Yes, sir.
Q Have you remarried since your divorce? A No, sir.
Q You say your husband brought suit for divorce? A Yes, sir.
Q But the decree was granted to you? A Yes, sir.
Q You and he had separated befo re the divorce proceedings were had? A Yes, sir.
Q Did you leave him or did he leave you? A I left him.
Q What was the occasion of your leaving your husband? A He did not treat me right. He was not kind to me.
Q Is there any special form of unkindness that characterised his conduct that you care to state? A Well he was not good to me, he mistreated me.
Q In what way? A He quarreled with me and abused me.
Q You know your rights to enrollment depend upon whether you abandoned your husband as contemplated by law; you perhaps are familiar with the Cherokee laws as to the forfeiture of rights by abandonment either of a husband or of a wife: now you left your husband and you claim that you left him for sufficient cause? A Yes, sir.
Q And that you did not wilfully abandon him? A No, sir.
Q That is your claim is it? A Yes, sir.

Q You did not leave your husband out of whim and caprice? A No, sir.
Q You claim that you left him for sufficient cause? A Yes, sir.
Q That you were compelled to leave him? A Yes, sir.
Q Did you husband ever strike you? A Yes, sir.
Q Was he dissipated? A Yes, sir.
Q You observe that in the testimony it is shown that you left your husband? A Yes, sir.
Q Now, right there you have forfeited your rights unless you can establish that you were justified in leaving your husband; do you see the point? MM--I am seeking to make plain to you; I want you to put into your case any statement that you may care to make that will show whether you are really justified in leaving your husband? A Well he was not good to me. He whipped me; he struck me with a board.
Q Was his unkindness and mistreatment long continued? A Yes, sir, almost as long as we lived together; he never was good to me.
Q Was he in the habit of getting intoxicated? A Once in a while.
Q Was he particularly unkind at that time? A Yes, sir, very unkind.
Q Where did you go when you left your husband? A I went to me father's. He was living t o miles east of Vian.
Q Have you continued to live with your father? A No, sir.
Q Where are you living now? A With Mrs. V. S. Hayes.
Q Where is that? A At Webbers Falls.
Q In what occupation are you engaged? A Cooking, keeping house for Mrs. Hayes.
Q Is Mrs. Hayes a woman of family? A Yes, sir.
Q What family has she? A She has three little girls she is a wwidow
Q You do not look like a woman who would be engaged in ordinary cooking? A That is my occupation.
Q You have no other occupation except to cook for that family? A No, sir, I have been working, cooking, working for myself an long time.
Q What is the name of your father? A Blansett.
Q In what business is he engaged? A Farming.
Q What is his post office address? A Bristow, I. T., in the Creek Nation.
Q Where were you born? A In Jack County, Texas.
Q You have no indian blood of any tribe in you? A I think not no, sir.
Q Give me the name of Mr. Hanson's Father? A His name is Bill.
Q Is he living? A No, sir, he is dead.
Q Give me the name of his mother? A Her name was Martha I believe.
Q Is she living? A No, sir, she is dead.
1880 Authenticated roll of the Cherokee Nation examined and there ~~the name of the applicant is~~found thereon, page 369, #560 ~~xxx~~ Dick Hanson, Flint district, native Cherokee, 15 years of age.
1896 Census roll of citizens of the Cherokee Nation examined and the names of the applicant and her husband are found thereon as follows:
Page 181, #2398, Dick Hanson, Cooweescoowee.
Page 929, #81, Laura D. Hanson, Illinois.

BY MR. W. W. HASTINGS, Cherokee Representative:

Q Did you attend Court at the time this divorce was granted? A No, sir, I was sick.
Q What makes you think the divorce was granted to you? A Mr. Rogers and Mr. Mayfield sent a lawyer, Mr. Bessie, to compromise with me and my father saw that it was attended to.
Q Did your father go up there to Court? A No, sir.
Q Your father only saw the papers fixed down there? A Yes, sir.
Q This is the only information whatever you have about the granting of this divorce? A Is from Mr. Rogers and my father.

Q Well, neither of them went up to Claremore to the Court? A No, sir, I think not.
Q You know what grounds he alleged against you when he sued for the divorce? A No, sir, I don't.

COMMISSIONER C. R. BRECKINRIDGE: The Applicant is shown by certificate of marriage filed in this case to have married her husband in April, 1892. She states that she is a white woman and that her husband, with whomshe is not now living, is a Cherokee by blood. He is identified on the rolls of 1880 and 1896 as a native Cherokee. He is stated to have lived in the Cherokee Nation all his life, and i is regularly enrolled by this Commission as shown by case No. 4285. The applicant is identified on the roll of 1896 as a Cherokee by adoption. She states that she and her husband lived together some three years after their marriage, and then she left him for cause arising from cruelty and mistreatment on his part. She claims she was granted a decree of divorce from her husband at Claremore/ she it thinks in 1895. Proceedings in the case were begun by her husband. She will be listed for enrollment as a Cherokee by adoption upon a doubtful card to await a copy of the decree of divorce and for the further consideration of her case as set forth in the testimony. An it is directed that a note be made upon card No. 4285 to the effect that a copy of the said decree of divorce is required in the matter of the enrollment of the children of the applicant's husband by his subsequent wife and a communication is directed to be made to him to this effect.

The under, signed, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R R Evans

Subscribed and sworn to before me
this 11th day of February, 1901.

C A Breckinridge

Commissioner.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 8 1901

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath. Can.

CHEROKEES BY BLOOD AND ADOPTION.

Date Feb. 8 1906

Name Hebbins Falls P.O.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

2nd Wife's name Laura D. Henson

District Ill. Year 1896 Page 929 No. 81

Citizen by blood N. D Mother's citizenship

Intermarried citizen yes.

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Certificate of marriage attached. Copy of decree of divorce to be supplied

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 8 1901

ACTING CHAIRMAN

This is to certify
that I did on the
27 day of April 1892
1892 celebrate the
rites and publish
the bands of Mat-
rimony between
Richard Hanson
and Laura Blun
ett and pronounced
the Lawful man
and Cherokee Nation
man being
a Cherokee by
Nativity

Witness W. V. Mansfield
Ordained Preacher

Citation.

Cherokee Nation (

Commissioners Division (

To any lawful officer Greeting: You are hereby commanded to summons Laura A.Henson to appear at the lawful place of holding Court in said District on 4th Monday in September 1893 at 9 o'clock A.M. then and there to answer the demand of J.C.Henson who claims the right to a decree of divorce from the bonds of matrimony heretofore existing between plaintiff and defendant and for cause of action alleges that on the 28th day of April 1883 he was married to Laura A. Henson and that on the 28th day of Blanchard: That at divers times since then defendant has been guilty of adultery with one [illegible] and that plaintiff has been informed and believes and upon such information and belief charges the fact to be that

Citation.

Cherokee Nation (

Coweescoowee District (

To any lawful officer Greeting: You are hereby commanded to summons Laura A.Henson to appear at the lawful place of holding Court in said District on 4th Monday in September 1895 at 9 o' clock A.M. then and there to answer the demand of J.C.Henson who claims the right to a decree of divorce from the bonds of matrimony heretofore existing between said J.C.Henson and Laura A.Henson; And for cause of action plaintiff alleges that on the 28th day of April 1892 he was married according to Cherokee law to Laura A. Blanchard; That at divers and sundry times since Jan.1st 1893 defendant gave way to violent fits of temper in which she used,vile abusive and profane language against the plaintiff;That on or about Dec.25th 1892 defendant assaulted this plaintiff with a razer,threatning his life;That on or about Dec.1st 1894 defendant attempted to shoot plaintiff with a loaded pistol.On account of the aforesaid indignities and other acts of extreme cruelty perpetrated upon the Plaintiff without cause or provocation the plaintiff asks for a decree of divorce.

Fail not to execute this summons and return as required by law.
Given under my hand and seal of office this the 11th day of May 1895..

Jos.M.LaHay,Clerk Coweescoowee District.
By Fred McDaniel,Dept.Clk.

I do hereby certify that I have served the within summons on Laura A.Henson by leaving a copy of the same with her.
Given from under my hand officially this the 23rd day of August 1895.

J.L.Brown,
Sheriff of Illinois District,
C.N.

Coweescoowee District)
Cherokee Nation)
In Circuit Court sitting in and for said District.

R.C,Henson, Plaintiff .
Vs. .
Laura A.Henson,Defendant .

Decree of Divorce

The above named cause coming on to be heard this 20th day of July 1897,and and it appears that the defendant herein,Laura A. Henson has been duly summoned as the law directs and upon being called three times at the Court House door,she answered not but made default,and after considering the proofs sustaining the alligations of the complaint,It is therefore ordered,adjudged and decreed that the marriage between the said plaintiff,J.C.Henson and the said defendant,Laura A.Henson,be dissolved ,annulled and set aside and the said parties are each of them freed and released from the bonds of matrimony and all the obligations thereof.

Done in open Court this 20th day of July 1897.

T.M.Buffington,
Circuit Judge.

Executive Office Cherokee Nation,

Tahlequah Cherokee Nation, I.T.

I, B.W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the foregoing and hereunto attached is a true copy of a citation, and of a judgement filed with the Circuit court cases of Ceowesecowee District Cherokee Nation, now filed in this office and in my custody; The case R.C. Henson Vs. Laura A. Henson appears on the docket for Circuit Court for Ceowee-seeowee District first in the September Term 1895; the said case remains on the docket during the term of June and September 1896 and on the Docket for June Term 1897 is this entry:

#71 R.C. Henson, (

Vs

Laura A. Henson.

Judgement by default granted."

Given under my hand and the seal of the Cherokee Nation this the 26th day of February 1901. B. W. Alberty

Assistant Executive secretary,
Cherokee Nation.

D1086

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
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ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 6th, 1901.

In the matter of the application of Laura Della Henson for enrollment as a citizen of the Cherokee Nation; and she being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name? A Laura Della Henson.
Q How old are you? A I am 24.
Q What is your post office? A Webbers Falls.
Q In what district do you live? A Canadian.
Q Who is it you want to have enrolled, just yourself? A Yes, sir; I am not a citizen by blood.
Q Do you claim to be a citizen by adoption? A Yes, sir.
Q When were you married? A I was married April 29th, 1892.
Q To whom? A To Richard Henson.
Q Is he living? A Yes, sir, he's living.
Q Is he a Cherokee by blood? A Yes, sir.
Q Have you a certificate of your marriage to him? A Yes, sir.

Com'r Breckinridge: The applicant presents a certificate signed by the Rev. W. B. Tumstall stating that he performed the marriage ceremony as indicated in the testimony, on the 29th day of April, 1892. This is filed herewith.

Q Were you ever married before your marriage to Mr. Henson? A No, sir.
Q Was he ever married before his marriage to you? A No, sir.
Q Are you still living with him? A No, sir.
Q How old is he? A He is about 35.
Q Has he lived in the Cherokee Nation all his life? A Yes, sir.
Q How long did you and he life together? A Not quite three years.
Q Have you ever had a divorce from him? A Yes, sir.
Q Have you a copy of the decree of divorce? A Yes, sir.
Q Was the divorce granted to you or to him? A It was granted in my favor but he applied for it.
Q What court granted the divorce? A Cherokee Court, at Claremore
Q When was the divorce granted? A In '95 I believe.
Q Are there any children of this marriage? A No, sir.
Q There has been no children of this marriage? A Yes, sir, I have two children dead.
Q Were they living at the time of the decree of divorce? A No, sir.
Q They were both dead then? A Yes, sir.
Q Have you remarried since your divorce? A No, sir.
Q You say your husband brought suit for divorce? A Yes, sir.
Q But the decree was granted to you? A Yes, sir.
Q You and he had separated before the divorce proceedings were had? A Yes, sir.
Q Did you leave him or did he leave you? A I left him.
Q What was the occasion of your leaving your husband? A He did not treat me right. He was not kind to me.
Q Is there any special form of unkindness that characterised his conduct that you care to state? A Well he was not good to me, he mistreated me.
Q In what way? A He quarreled with me and abused me.
Q You know your rights to enrollment depend upon whether you abandoned your husband as contemplated by law; you perhaps are familiar with the Cherokee laws as to the forfeiture of rights by abandonment either of a husband or of a wife; now you left your husband and you claim that you left him for sufficient cause? A Yes, sir.
Q And that you did not wilfully abandon him? A No, sir.
Q That is your claim is it? A Yes, sir.

Q You did not leave your husband out of whim and caprice? A No, sir.
Q You claim that you left him for sufficient cause? A Yes, sir.
Q That you were compelled to leave him? A Yes, sir.
Q Did you husband ever strike you? A Yes, sir.
Q Was he dissipated? A Yes, sir.
Q You observe that in the testimony it is shown that you left your husband? A Yes, sir.
Q Now, right there you have forfeited your rights unless you can establish that you were justified in leaving your husband; do you see the point? ~~MR~~--I am seeking to make plain to you; I want you to put into your case any statement that you may care to make that will show whether you are really justified in leaving your husband? A Well he was not good to me. He whipped me; he struck me with a board.
Q Was his unkindness and mistreatment long continued? A Yes, sir, almost as long as we lived together; he never was good to me.
Q Was he in the habit of getting intoxicated? A Once in a while.
Q Was he particularly unkind at that time? A Yes, sir, very unkind.
Q Where did you go when you left your husband? A I went to my father's. He was living two miles east of Vian.
Q Have you continued to live with your father? A No, sir.
Q Where are you living now? A With Mrs. V. S. Hayes.
Q Where is that? A At Webbers Falls.
Q In what occupation are you engaged? A Cooking, keeping house for Mrs. Hayes.
Q Is Mrs. Hayes a woman of family? A Yes, sir.
Q What family has she? A She has three little girls she is a widow
Q You do not look like a woman who would be engaged in ordinary cooking? A That is my occupation.
Q You have no other occupation except to cook for that family? A No, sir, I have been working, cooking, working for myself an long time.
Q What is the name of your father? A Blansett.
Q In what business is he engaged? A Farming.
Q What is his post office address? A Bristow, I. T., in the Creek Nation.
Q Where were you born? A In Jack County, Texas.
Q You have no indian blood of any tribe in you? A I think not no, sir.
Q Give me the name of Mr. Hanson's Father? A His name is Bill.
Q Is he living? A No, sir, he is dead.
Q Give me the name of his mother? A Her name was Martha I believe.
Q Is she living? A No, sir, she is dead.

1880 Authenticated roll of the Cherokee Nation examined and there ~~the name of the applicant~~ is found thereon, page 369, #360 xxx Dick Henson, Flint district, native Cherokee, 15 years of age .

1896 Census roll of citizens of the Cherokee Nation examined and the names of the applicant and her husband are found thereon as follows:

~~Page 181, #2578~~, Dick Henson, Coowescoowee.
Page 929, #81, Laura D. Henson, Illinois.

BY MR. W. W. HASTINGS, Cherokee Representative:

Q Did you attend Court at the time this divorce was granted? A No, sir, I was sick.
Q What makes you think the divorce was granted to you? A Mr. Rogers and Mr. Mayfield sent a lawyer, Mr. Reasis, to compromise with me and my father saw that it was attended to.
Q Did your father go up there to Court? A No, sir.
Q Your father only saw the papers fixed down there? A Yes, sir.
Q This is the only information whatever you have about the granting of the divorce? A Is from Mr. Rogers and my father

Q Well, neither of them went up to Claremore to the Court? A No, sir, I think not.
Q You know what grounds he alleged against you when he sued for the divorce? A No, sir, I don't.

COMMISSIONER C. R. BRECKINRIDGE: The Applicant is shown by certificate of marriage filed in this case to have married her husband in April, 1892. She states that she is a white woman and that her husband, with whomshe is not now living, is a Cherokee by blood. He is identified on the rolls of 1880 and 1896 as a native Cherokee. He is stated to have lived in the Cherokee Nation all his life, and is regularly enrolled by this Commission as shown by case No. 4285. The applicant is identified on the roll of 1896 as a Cherokee by adoption. She states that she and her husband lived together some three years after their marriage, and then she left him for cause arising from cruelty and mistreatment on his part. She claims she was granted a decree of divorce from her husband at Claremore/ she it thinks in 1895. Proceedings in the case were begun by her husband. She will be listed for enrollment as a Cherokee by adoption upon a doubtful card to await a copy of the decree of divorce and for the further consideration of her case as set forth in the testimony. And it is directed that a note be made upon card No. 4285 to the effect that a copy of the said decree of divorce is required in the matter of the enrollment of the children of the applicant's husband by his subsequent wife and a communication is directed to be made to him to this effect.

The under signed, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this cause, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R R Swanson

Subscribed and sworn to before me
this 11th day of February, 1901.

C R Breckinridge

Commissioner.

I, M. Greer, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in the case and that the foregoing is a true, and complete transcript of my stenographic notes thereof.

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Cherokee D 1086

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 19,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application of LauraD. Henson for the enrollment of herself as a Cherokee citizen.

Appearances:
N.A.Gibson, Muskogee, I. T., atterney for applicant;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 28th,1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March,1902. The Cherokee Nation by its representative, makes satisfactory proof of service on said Laura D. Henson that it would on the 19th dayof March,1902, at the offices of the Commission in Muskogee, Indian Territory, introduce testimony in behalf of the Cherokee Nation tending to disprove her right to be enrolled as acitizen of the Cherokee Nation.

Applicant this day, to-wit: the 19th day of March,1902, appears by her attorney, N.A.Gibson.

LAURA D. HENSON, being first duly sworn and being examined testified as follows:

BY MR. GIBSON:

Q What is your name? A Laura D. Henson.
Q What is your age? A I am 25 years old.
Q When were you married to your husband Richard Henson? A I married him the 29th day of April,1892.
Q How long did you live with him? A Not quite three years, about two years and eight months.
Q Where were you living when you separated? A 12 miles west of Claremore
Q In what Nation? A Cooweescoowee District, Cherokee Nation.
Q Why did you separate from your husband? A I left him because he beat me with a board.
Q How many times did he beat you? A Number of times, I don't know how many.
Q Did he injure you to any extent? A Yes sir, he beat me until I was bloodshotten.
Q Was there any other cause for separation except his cruel treatment of you? A No sir.
Q State whether or not you ever abandoned him? A I left him.
Q On a ccount of this mistreatment? A Yes sir. Beating me with this board, and he beat me a number of other times.
Q State whether or not you have ever re-married since you were divorced from him? A I have not.
Q Where is your home at this time? A I am living at my home, two miles east of Bristow, with my father.

BY MR. HASTINGS:

Q Did you secure a divorce of did he? A He did.
Q In what court? A Cherokee court, at Claremore.
Q On the grounds of desertion? A Yes sir.

BY MR. GIBSON:

Q Did you state that theground of that divorce was desertion, is that correct? A Let me see, I believe it is; I aint positive about it; I have the papers here; I think it is.

BY MR. GIBSON: I call the attention of the Commission to the record on file in this case being the proceedings in the divorce case between the applicant and her husband in the District Court of Cooweescoowee District, Cherokee Nation.

BY MR. HASTINGS: The Cherokee Nation offers in evidence the original application of Harden Blansett, found in Dawes Commission No.3334, together with exhibit "A" filed in connection with that case, upon which appears the name of Laura Adella Henson, the applicant.

Q What was your father's name? A Harden Blansett.

BY MR. GIBSON:

Q State whether or not you made application for citizenship with yor father in 1896? A I did not.

Q At that time state whether or not you had been divorced from your husband, in 1896? A Yes sir; No I hadn't; the divorce was not granted until the year 1897.

BY MR. HASTINGS:

Q When were you separated from your husband? A 28th of December, 1894.

Q Then you were living with your father in 1896? A I was working for Mrs. Ben Thompson in 1896.

Q Near your father? A Yes sir, about a mile and a half from my father.

Q You were making your home when you were not at work, there? A Yes sir.

BY COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation present submit the case; same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record. The attorney for the applicant requests and will be granted 15 days in which to file a brief, one copy with the Commission and one copy with the representative of the Cherokee Nation.

I,M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

Cher
Supp'l to D 1086

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., March 31, 1903.

In the matter of the application of LAURA D. HENSON, for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation:

Appearances:
Applicant present in person;
J. C. Starr, for the Cherokee Nation.

LAURA D. HENSON, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

Q State your name ? A Laura D. Henson.
Q How old are you ? A I am twenty six years old.
Q What is your post office ? A Sapulpa.
Q You are a white woman are you ? A Yes sir.
Q Claiming citizenship by intermarriage ? A Yes sir.
Q What was your husband's name ? A Richard Henson.
Q Was he a Cherokee by blood ? A Yes sir.
Q When were you married to him ? A I married him the 29th day of April, 1892.
Q Was he your first husband ? A Yes sir.
Q And you were his first wife ? A Yes sir.
Q Is your husband living ? A Yes sir.
Q Are you living together ? A No sir, we have been divorced and separated for eight years.
Q Have you made proof of that divorce before the Commission ?
A I have; I have the papers, but I left them at home, the Commission had them, I taken the papers once when I went to Muskogee, and they said they had the papers, and I didn't think it would be any use to bring them.
Q Have you married since your divorce from Richard Henson ?
A No sir.
Q You have remained single all that time ? A Yes sir I have.
Q You have no living children ? A No sir.
Q You just filed for the enrollment of yourself ?
A Yes sir, just for myself.
Q Have you been residing in the Cherokee Nation since you married Richard Henson ? A Yes sir I have.
Q You didn't live together very long ?
A I lived with him two years and eight months.
Q You resided with him in the Cherokee Nation during that time ?
A Yes sir, we lived in Illinois District and in Cooweescoowee District; we were living in Cooweescoowee District when we separated.
Q Who got the divorce ? A He did, he applied for a divorce himself.
Q What was the cause of this separation ?
A Because he didn't treat me right, he beat me with a board, he never did treat me right.
Q Now, Mrs. Henson, you haven't appeared before the Commission since the 19th day of last March have you ? A No sir.
Q And you appear before the Commission now in response to a letter from the Commission requiring you to come in and show your right to enrollment on September 1, 1902 ? A Yes sir.
Q Now you say you left your husband because of his treatment of you ? A Yes, he didn't treat me right; he was mean to me.

Q You have given testimony, have you not, covering that question, covering your husband's treatment of you ? A Yes sir, I have.
Q You say your husband got a divorce ?
A Yes sir he did, he applied for a divorce in the Cherokee court at Claremore, and he sent his attorney, Mr. Bessey, to see me to compromise with me, and he was to give me some property and everything we had in the house if I would grant him the divorce, and I agreed to it because I didn't want to live with him anymore.
Q What ground did he allege for divorce ?
A Why I don't know, he had me charged with trying to kill him with a pistol and a knife, and a razor, I think, and I don't remember what all he did have me charged with.
Q You say he sent an attorney to compromise with you ?
A Yes sir.
Q Did you know then what he alleged in his complaint ?
A No sir.
Q But you were quite willing that he should have the divorce ?
A Yes sir I was.
Q You didn't appear at all ? A No sir, I was sick at the time, and I didn't appear, I wouldn't have anyway.
Q You say he was to give you some property ? A Yes sir. He was to give me some property and everything we had in the house.
Q XWell did he ? A I got four head of horses, that's all, and I didn't get anything out of the house, and my daddy had to go out there and get that what I did get.
Q Was that the reason you didn't go to fight the suit, the agreement that his attorney made with you ? A No sir; I didn't object to his having a divorce.
Q Did ever you bring suit for divorce ? A No sir.
Q When was this suit brought ? A I think it was in 1895.
Q That was very shortly after you left him ?
A Yes sir, I left him on the 28th of December, 1894, and he applied for divorce, in April, it seems to me, in 1895; I don't remember just what time of the year, but I know it was in 1895.
Q Now weren't you served with a summons in that divorce suit ? Weren't you served with a summons in that suit in August, 1895 ?
A No sir, I wasn't, I never was summoned in my life to appear in court.
Q Didn't the Sheriff of Illinois District leave some papers with you in August, 1895 ? A No sir.
Q Where were you living then ? A I was living at Vian.
Q What district is that in ? A Illinois.
Q When did Mr. Henson's attorney come to see you with reference to this ? A It was in September, 1895, along about the last of September, I was sick in bed when he came.
Q Was that the first you knew of this suit ? A Yes sir.
Q Had never known anything about it prior to that ?
A No sir, never knew anything about it until he come to see me.
Q When did you find out what your husband charged you with in this complaint for divorce ? A Why I got Mr. John Rogers at Vian to write to Tahlequah for the papers.
Q When was that ? A Lets see, its been two years ago, I think it was in 1900.
Q That was the first you knew of what he charged you with ?
A Yes sir, he wrote for these papers and I have them at home in my trunk.
Q What time in 1892 were you married ? A The 29th day of April.
Q Now he alleges in his complaint that on December 25, of the same year, that you assaulted him with a razor and threatened his life, is that true ? A No sir, it isn't.
Q Did you ever do that ? A No sir, I never threatened to kill him.

Q Did you ever attack him with a razor ? A Yes sir.
Q How did that happen ? A Why he told me that he was going to horse-whip me, and I told him I didn't think he would, and I had a razor in my hand.
Q How did you happen to have a razor in your hand ?
A I went and got it when I saw him come into the door with a stick, and the razor was in the dresser drawer, and I went and got it.
Q Had he whipped you before that ? A Yes sir, he had, he knocked me off my horse, he had beat me a number of times before that. He beat me any time he wanted to.
Q Did you cut him with the razor at all ?
A No sir, I never drew it on him; I never did hit him a lick in my life.
Q He says that about two years after that you attempted to shoot him with a loaded pistol ? A I never done it.
Q Did you ever threaten to shoot him with a pistol ?
A No sir.
Q Did you ever have a loaded pistol in your hands in his presence ?
A Perhaps so, but I never drew it on him, nor threatened to shoot him with it; he had a cousin that tried to shoot me.
Q What was the cause of all this trouble between you ?
A Because he drank, and he was mean.
Q What was the first quarrel between you, what was the cause ?
A Because I didn't get dinner in time, he come home to dinner and I didn't have dinner ready.
Q What did you do ? A Why I cried, and he said he was going to hog tie me, and take me home, if he ever come home again and dinner wasn't ready, and his sister and brother-in-law were there, and they talked to him and told him he ought to be ashamed.
Q When did he first whip you ? A About two months after we were married.
Q What did he whip you for, what was the occasion ?
A Because I disputed his word.
Q Now do you think you ever gave him any cause for these different outbreaks on his part ? A No sir, I never did anything that he had any cause to beat me for.
Q You lived together for about two years and eight months ?
A Yes sir.
Q Then you left him ? A Yes sir I left him.
Q Did you tell him you were going away ?
A Yes sir, he took me away from the house.
Q Where did he take you ? A We lived twelve miles from Claremore, and he took me there in the hack.
Q Where did he leave you ? A He left me at the Burgess Hotel and I stayed all night and went home the next morning.
Q Where did you go ? A My father lived at Vian, and I went there.
Q Did you tell him you were going to leave him ?
A Yes sir, I told him several times before I did leave him. He gave me money to go home on, and he said he wanted me to go.
Q Did he offer to take you to Claremore ? A He did take me.
Q He volunteered to do that ? A Yes sir he did.
Q Or did you ask him ? A No sir, I never did. He always said when he got tired of living with me, he would take me to my father's home, and set me down in the yard at my daddy's.
Q You have never lived with him from that day until this ?
A No sir, I have not, and I never intend to either.
Q Have you seen him since ? A Yes sir; he come to see me once.
Q Did he ask you to go back and live with him ?
A No sir, he was already married then; he married this wife he has now before he ever got a divorce. She appeared before the Commission in 1896 and tried to enroll, and the divorce was not granted until 1897.

Q When he came to see you did he bring his wife with him ?
A No sir, he didn't.
Q When was that he came to see you ? A It was in May, 1900, that he come there.
Q You had been divorced three years before that ? A Yes sir; he come to Mrs. Cotner's to see me.
Q You don't know, then, that he was married before he got his divorce ? A Well, I have been told he was; I know the Commission told me he applied for citizenship in 1896, and they read her name to me on the roll, where she was admitted in 1896, and that's all the way I know.
Q Now Mrs. Henson, did you find it necessary to leave him because of your husband's treatment of you ? A Yes sir, I did.
Q He made life unbearable for you, did he ?
A Yes sir he did; I wouldn't live with anybody that would treat me like he treated me.
Q Have you ever offered any other evidence, other than your own personal testimony, in regard to this separation ?
A No sir, I haven't.
Q Has your husband ever testified in this case ?
A I think not; if he did I don't know it.
Q How was it that you didn't sue for divorce ?
A I wasn't able, and didn't have the money, and wasn't ready either; I didn't want to marry, and I didn't care for a divorce.
Q And you have never married since ? A No sir, I haven't.
Q You say you were never served with a summons in the divorce suit ? A Yes sir; I was not served with a summons.
Q And you knew nothing of these charges, nor the nature of the charges, until about two years ago ?
A No sir, not until I got Mr. Rogers to write to Tahlequah and get the papers.
Q What was the name of your husband's attorney that came to see you ? A Mr. E. S. Bessey; I had a little sister named Bessie, and he said his name was the same as my little sister's name, and I think it was E. S. Bessey, only it was spelled different.
Q Did he say he was sent to you by your husband to effect some compromise with you ? A Yes sir, he said if I appeared against him he couldn't get a divorce.
Q You say this attorney told you that ? A Yes sir, he did.
Q And you made an agreement with him that you wouldn't appear ?
A Yes sir.
Q Didn't you ask him then what he was charging you ?
A No sir, I never thought about it.
Q And he didn't tell you ? A No sir he didn't tell me.

Examined by J. C. Starr:

Q Mrs. Henson, where were you living in August, 1895 ?
A I was living at my father's.
Q In Illinois District ? A Yes sir.
Q Do you remember the occasion of J. L. Brown, Sheriff of Illinois District, serving a citation on you in August, 1895 ?
A He never served any on me, and he told me he didn't; I wanted him to go to Muskogee and testify to that fact, and he told me he would. Is it J. L. Brown on there ?
Q Yes. A On the citation it says J. D. Brown, and there is no J. D. Brown there and never was I guess.

Examined by the Commission:

Q What citation is that you speak of ? A The one they sent me when I got Mr. Rogers to write for the papers.

Examined by J. C. Starr:

Q Where were you living the first year after you were married to Henson ? A Lived in Illinois District.
Q How long did you continue to live there ?
A We didn't live there a year.
Q Where did you go from there ? A To Cooweescoowee District, over close to Claremore.
Q How far from Claremore ? A He went to Claremore first and stayed at Claremore a while and worked at the livery stable of Mr. McDaniel, and lived on Roker's ranch for a few months, and then we moved over on Caney River about twelve miles west of Claremore, and we lived on what is called Two-Horse Ranch when we separated.
Q How long had you been living there before this separation took place ? A We had been living there a year. I don't know exactly how long it was, but it wasn't a year.
Q Who lived with you there ? A We didn't have very many neighbors, it wasn't very thickly settled, lets see, Dr. Carlisle, I believe, lived about two miles from us, and Mr. Brooks and his wife lived about a mile and a half, we had no neighbors hardly.
Q Did Mr. Henson own a farm out there ?
A Why he bought a farm from Mr. O'Field, I believe, before we parted. It wasn't a farm either, he bought some prairie land that wasn't under fence.
Q Did he continue to live at this place where you were living when the separation took place, afterwards ? A Yes sir.
Q How long ? A I don't know; he was living there when my papa went up there after the horses.
Q Where does he live now ?
A I was told that he was at Claremore, I don't know.

By the Commission: Mrs. Henson, the Cherokee Nation now wishes to notify you that on Friday, April 10, 1903, at Vinita, Indian Territory, it will introduce testimony tending to disprove your right to enrollment as a citizen by intermarriage of the Cherokee Nation.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this April 1, 1903.

Samuel Foreman,

Notary Public.

Cher
Supp'l to # D 1086

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., April 10, 1903.

In the matter of the application of LAURA D. HENSON, for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation:

Appearances:
N. A. Gibson, Esq., of Muskogee, for applicant;
J. C. Starr, Esq., for the Cherokee Nation.

J. C. Starr: Comes now the Cherokee Nation and moves to continue this case, for the reason that two witnesses, John L. Brown and Richard Henson have not appeared, although subpoenaes have been sent them; and the Cherokee Nation will, if allowed a reasonable time, be able to produce these two witnesses.

N. A. Gibson: Applicant objects to the case being continued for the reason that no proof is made of any diligence whatever on the part of the Cherokee Nation in securing these witnesses; no proof is made that they were served with subpoenaes, and there is no proper motion for a continuance filed, setting out the testimony expected to be given by these witnesses; and for the further reason that the Cherokee Nation has had ample opportunity for twelve months to present these witnesses for examination, and has failed to do so; and for the further reason that the certificate presented by the Cherokee Nation purporting to be signed by J. C. Harrison, M. D., is not competent evidence of anything whatever.

The Commission: The motion will be overruled subject to the approval of the Commission.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1903.

Samuel Fermore

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
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In the matter of the application of Laura Henson, for enrollment as a citizen of the Cherokee Nation.

The proof in this case shows that the applicant is an intermarried citizen of the Cherokee Nation, having been married to a citizen by blood of that Nation, and that she has always resided within the limits of the Cherokee Nation since her marriage. And that further, in 1897 she was divorced from her husband, L.C.Henson in the Cherokee Court sitting at Claremore, the grounds alleged for such divorce being cruel treatment of her said husband by the applicant.

The only law of the Cherokee Nation under which it might be contended that the applicant has lost her rights of citizenship in the Cherokee Nation is found in Section 667 of the laws of the Cherokee Nation, edition of 1892, which is as follows:

"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship in this nation."

We submit that there is no proof that the applicant ever abandoned her husband, but that on the contrary, the proof shows that his conduct towards her was cruel and barbarous in the extreme, and that to protect her and injunction to such treatment and in order to protect her life she was forced to leave him. [illegible] in the case in which it is used in divorce proceedings, means an unlawful leaving of husband by his wife or wife by her husband without just excuse, and we submit that there is no statement of fact in this case as would show or tend to prove that the applicant ever abandoned her husband. The applicant is just as much a citizen of the Cherokee Nation now as she was at the time that she was living with her husband, and no act of hers or of law has ever forfeited any of her rights.

We respectfully submit that she must be enrolled as an adopted citizen of the Cherokee Nation.

A. G. Gilbert
Attorney for the applicant.

Service of a copy of the foregoing brief accepted this_____day of _____, 1902.

_____
Attorney for the Cherokee Nation.

No. D-1086

Laura Newson

vs

Cherokee Nation

Brief of applicant

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 25 1902

N. A. GIBSON,
ATTORNEY-AT-LAW,
MUSKOGEE,
IND. TER.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
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In the matter of the application of Laura Henson, for enrollment as a citizen of the Cherokee Nation.

The proof in this case shows that the applicant is an intermarried citizen of the Cherokee Nation, having been married to a citizen by blood of that Nation, and that she has always resided within the limits of the Cherokee Nation since her marriage. And that further , in 1897 she was divorced from her husband, R.C.Henson in the Cherokee Court sitting at Claremore, the grounds alleged for such divorce being cruel treatment of her said husband by the applicant.

The only law of the Cherokee Nation under which it might be contended that the applicant has lost her rights of citizenship in the Cherokee Nation is found in Section 667 of the laws of the Cherokee Nation, edition of 1892, which is as follows:

"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship in this nation."

We submit that there is no proof that the applicant ever abandoned here husband, but that on the contrary, the proof shows that his conduct towards her was cruel and barberous in the extreme, and that he beat her and injured her to such an extent that in order to protect her life she was forced to leave him. Abandonment in the sense in which it is used in divorce proceedings, means the unlawful leaving of a husband by his wife or wife by her husband without just excuse, and we submit that there is no such statement of fact in this case as would show or tend to prove that the applicant ever abandoned her husband. The applicant is just as much a citizen of the Cherokee Nation as she was at the time when she was living with her husband, and no act of hers of of law has ever forfeited any of such rights.

We respectfully submit that she must be enrolled as an adopted citizen of the Cherokee Nation.

N. A. Gibson
Attorney for the applicant.

Service of a copy of the foregoing brief accepted this_____day of March, 1902.

Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. June 10th 1902.

In the matter of the application of Laura D. Henson for enrollment as a citizen of the Cherokee Nation by Intermarriage.
Cherokee D 1086.

Brief on part of the Cherokee Nation.

The applicant in this case claims that she was 24 years of age in 1901; that she was marriedin 1892 to Richard C. Henson, a Cherokee citizen by blood with whom she lived until 1895 when her husband secured a divorce from her, the divorce papers being filed on the 11th day of May 1895. She states in her testimony that the grounds for the divorce were dissertion and she acknowledged that she abandoned her husband.

Judgments of the courts of the Cherokee Nation stand upon the same footing as those ofterritorial or state courts and are entitled to the same faith and credit---Mehlin Vs Ice 56 Fed. 12.

In this case the question was thoroughly gone into and the circuit court of appeals decided, quoting numerous other cases, that the judgment of the courts of the Cherokee Nation was entitled to the same respect and had the same binding force that a judgment of a Federal Court had.

But there is another question which presents itself for the consideration of the Commission and that is the records of the Commission for 1896 which are introduced and made a part of the records in this case show that the applicant applied to the Dawes Commission in 1896 in Dawes Commission Number 3334 and that her application was included in the application of her father Hardin Blansett. She attempts to avoid her rejection at that time, by stating that she did not know anything about its having been made but the testimony shows that she was separated from herhusband at least prior to May 1895 when the divorce proceedings were instituted and that she was making her fathers house her home, she stating that she was working about one and a half miles from her fathers, and the testimony

further shows that she was only 24 years of age in 1901 and further more only 19 years of age in 1896 when the application was made for her by her father under whose control she was and whose house was her home. Does any one doubt that if she had been admitted at that time that she would not have availed herself of the favorable judgment. The Cherokee Nation would have been concluded by that judgment just as we contend that she is concluded by the judgment now. It might be argued that the application was made for her at that time as a citizen of the Cherokee Nation by blood and not as a citizen by intermarriage but the Cherokee Nation most earnestly contends that the question of citizenship was before the Commission and that it was the duty of the applicant to embody in her application all the groundsupon which she depended to be admitted as a citizen of the Cherokee Nation and that her case was adjudicated when she was rejected and that this adjudication can only be attacked by attacking the jurisdiction of the commission over the person or the subject matter and in as much as the Commission had jurisdiction over all applicants for citizenship and in as much as they had jurisdiction over the question of admission to citizenship in the Cherokee Nation the Judgment of the Commission rejecting her can not be attacked on jurisdictional grounds hence wecontend that she is estopped by this judgment from asserting any claim to citizenship in the Cherokee Nation which existed at the time she made her application and in as much as she married in 1892 her claims to citizenship in the Cherokee Nation by intermarriage if she had any existed when she filed her application in 1896 was adjudicated when the Commission rejected her..

We can not subscribe to the theory that a person can have more than one day in court when but one question, that of citizenship, is at issue.

The Cherokee Nation contends that if the applicant everhad any right to citizenship in the Cherokee Nation based upon her marriage with Richard C. Henson she forfeited that right under section 667 of the Compiled laws of the Cherokee Nation when she abandoned him and second that all of her claims to citizenship in the Cherokee Nation were adjudicated by the Commission in 1896 when she was adjudged not a citizen of the Cherokee Nation.

Respectfully submitted,

Attorney for the Cherokee Nation

J. C. S.

Cherokee D-1086.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Laura D. Henson for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on February 8, 1901, Laura D. Henson appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 19, 1902.

The evidence shows that the said Laura D. Henson, a white woman, was lawfully married on April 29, 1892, to Richard Henson, a native Cherokee, who is identified on the Cherokee authenticated tribal roll of 1880. On December 28, 1894, the said Laura D. Henson left her husband, Richard Henson, on account of his cruel treatment. On July 20, 1897, Richard Henson secured a divorce from his said wife, the decree of divorce being entered against her by default. Laura D. Henson is identified on the Cherokee Census roll of 1896.

It further appears from the evidence that Laura D. Henson has lived in the Cherokee Nation since her marriage to Richard Henson in 1892, up to and including the date of this application.

From the records of the Commission it appears that the applicant, Laura D. Henson, was included in an application to the Commission to the Five Civilized Tribes for admission as a citizen by blood of the Cherokee Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). The application was denied by the Commission and no appeal was taken from that decision.

It is the opinion of this Commission that the applicant's right to enrollment as an intermarried Cherokee is not prejudiced by the denial of her application for admission as a citizen by blood under the provisions of said act of June 10, 1896 (29 Stats., 321), and the said Laura D. Henson should, therefore, be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

_____
Acting Chairman.

_____
Commissioner.

_____
Commissioner.

Muskogee, Indian Territory,
this _____

Cherokee D 1086

LOR

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Laura D. Henson for the enrollment of herself, as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

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The record in this case shows that on February 8, 1901, Laura D. Henson appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 19, 1902.

The evidence shows that Laura D. Henson, a white woman, was lawfully married on April 29, 1892, to Richard Henson, a native Cherokee, who is identified on the Cherokee authenticated tribal roll of 1880. On December 28, 1894, the said Laura D. Henson left her husband. On the 11th day of May 1895, Richard Henson brought suit for divorce against his said wife, alleging cruelty as ground for a divorce, and on July 20, 1897, a decree of divorce was entered against the said Laura D. Henson by default. Laura D. Henson is identified on the Cherokee Census roll of 1896.

Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens, " with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 667 of the Compiled Laws of the Cherokee Nation (1892), is as follows:

> "Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

It is, therefore, the opinion of this Commission that the application for the enrollment of Laura D. Henson as a citizen by intermarriage of the Cherokee Nation, should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

_____
Acting Chairman.

_____
Commissioner.

_____
Commissioner.

Dated at Muskogee, Indian Territory,

this _____

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977
Bettie Mitchell	985
John J. Harrison	993
Jasper N. Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E. Hair	1090
Norman S. Drake	1092
Susan Hogg	1094
David L. Scott	1099
James C. Taylor	1111
Roxie Shepard	1128
Robert G. Elgin	1136
William Hall	1137
Mary Ella Lattimore	1141
Maggie J. Keys	1149
Joseph M. Correll	1177
Jane Ratley	1225
George E. Norton	1234
Mahala D. Thompson	1247
Charles M. Trammel	1264
Flora Carlile	1265
William H. Norrid	1275
Olivia Benge	1276
Dollie Wilson	1278
Moses Bell	1279
Sarah Fleetwood	1290
Rosa E. Fargo	1299
William M. Oliver	1333
Andrew J. Couch	1340
Lina Hyles	1347
Mary M. Miller	1350
Mary E. Taylor	1368
Polly Ann Benge	1369
Margaret Moton	1385
Minnie McKinney	1390
Nettie Seabolt	1418
Lawrence G. Faulkner	1433
Sarah A. Holt	1449
Jennette Polecat	1492
Ellen Seabolt	1508
Charles W. Nettles	1509
Lena Sittingdown	1511
Tim Creeden	1513
Odie Pidcock	1517
Silas A. Saterfield	1529
Laura J. Jeremiah	1530
Etta Hicks	1540
Mary A. B. McKinney	1550
Millie Morton	1554
Andrew Walters	1573
John H Holder	1610
Mary M. Burr	1612
Thomas E. Bonham	1644
Florence Headrick	1663
Daisy B. Brewer	1709
Annie Cordrey	1717
Adam Eckert	1722
Isaac Timmons	1726
Gent Gibson	1727
Amos Anderson	1731
William J. Mounts	1734
James D. Alexander	1745
Willis E. Miles	1769
Lora Adair	1781
John Yarborough	1796
Lillie M. Dassler	1802
Bryant C. Redington	1804
Malisa A. Maxwell	1808
Richard Dukes	1811
Fannie Pettit	1816
Genevia Pool	1817
Mollie Crossland	1822
Lizzie Benge	1828
John H. Welty	1847
Edward P. White	1884
Lauren P. Green	1887
Charles Rosser	1898
Fay Adair	1913
Henrietta Irving	1920
Bird Trippard	1925
John C. Carlile	1937
John W. Gilstrap	1954
Sarah Young	2018
Nancy A. Coleman	2049
James N. Whisenhunt	2118
Hiram Stephens	2157
Asa L. Guinn	2159
Rebecca J. Elving	2172
Thomas J. Measles	2192
Julia Coody	2215
Sarah Crutchfield	2224
Henry E. Lee	2251
Sarah Gritts	2256
John A. Madden	2261
Henry C. Pennel	2271
Matilda S. Cleland	2302
Dona A. Frazier	2312
Laura B. Cordrey	2320

Lafayett D. Kindred	2328
Pearl V. Sisson	2339
Nancy J. Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
William T. Jones	2501
Sarah L. Martin	2502
William J. Shoemaker	2506
Maud Baldridge	2511
James L. Townsend	2513
George L. Morgan	2568
Andrew A. Brown	2575
Louis K. Fair	2623
James L. Mitchell	2644
Martha E McNair	2659
Millard F. Eggleson	2668
Elisha M. Gray	2686
Jessie M. Ballard	2694
Annie Mayes	2798
Belle Sixkiller	2809
James P. Riley	2825
William Broaddus	2854
William A. Martin	2865
Joseph Q. Buchanan	2888
Marcellus L. Baker	2905
Etta M. Hill	2915
John R. Smith	2922
Ira W. Wallen	2926
John B. Laurence	2959
Lula O. Hitchcock	2961
Bell L. Muskrat	2975
Eliza O'Field	2977
Margaret Suagee	2993
Winfield S. Nance	3007
Benjamin F. Kelley	3010
Mollie Daugherty	3039
Charles H. Leatherman	3043
Alice A. Edwards	3100
Dorinda Adair	3106
William R Gray	3118
Dora B. Caulk	3143
Jesse M. Gallman	3161
Martha E. Garrett	3162
Artie E. Large	3164
Andrew A. Kelley	3191
Anna B Ryne	3193
Eliza Henderson	3198
David E. Jenkins	3212
Lizzie Falling	3233
Robert L. Payne	3252
William A J Trotter	3257
Albert P. Goforth	3298
Anna B Martin	3307
William Brown	3344
Jennie B Bluejacket	3345
William Little	3377
Julia M A Russell	3386
Andrew J Smith	3393
William N. Blakemore	3396
Lizzie Denton	3417
Belle Hudson	3435
Thomas S. Heady	3437
William M. Roseborough	3444
Madison G. Hawkins	3467
Japhat F. Ellis	3491
Emma McAffrey	3543
William T. Huitt	3570
Myra F. Chouteau	3580
Phillip Donohoo	3581
Fred L. Kelley	3593
Annie Herod	3594
Maggie V. Fields	3615
Lou Payne	3616
Frederick W. Strout	3692
Andrew L McCamish	3713
Sarah Dirtthrower	3731
William P. Coble	3758
Robert L Madison	3761
Mariah McDowell	3795
Elizabeth R. Thornton	3811
Donithan A Wilson	3841
Charles F. Covey	3868
Tamsey M. Williams	3886
Mary J. Wolfe	3889
Lathan Lumbard	3891
Micajah P. Haynes	3897
Annie L Wingfield	3903
Mary Fields	3907
William W. Dudley	3944
Minnie M. McLaughlin	3950
Henry B. Lindsey	3978
Wilbert H Parkison	3999
Seth R Hall	4011
Wiley Hanna	4016
Martha M Woods	4093
Lizzie Gray	4117
Nancy C Carey	4131
Annie E. Kenney	4165
William H. Ward	4169
Nannie Brewer	4189

Nancy J. Kinney	4225
Sydney E. Bell	4232
Isaac H. Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R. Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T. Morrison	4294
Perley Israel	4295
William A. Long	4304
Mollie Swannock	4319
Frances Guess	4324
Allen H. Gibson	4327
John McFall Jr	4343
Albert W. Fitzsimmons	4360
George S. Ford	4386
Quinn Carr	4387
William A. Powell	4390
Austin Hasley	4400
Anna Bible	4414
Elizabeth Riley	4428
John P. Sudderth	4449
Anderson Keen	4450
Ida M Adams	4451
Martha J. Randall	4457
Mollie Conner	4477
Jane McGhee	4491
Jennie Riley	4525
Hannah Randall	4528
Charles W. Childers	4542
Nannie B. Riley	4543
John W. McDaniel	4544
Minnie Armstrong	4548
Ada Chouteau	4549
Mary Thompson	4571
Ota Armstrong	4593
Mary Spencer	4594
Clarkson F. Woody	4603
James M. McConnell	4604
Annie E. Coker	4605
Jennie Long	4606
Julia Gilstrap	4607
Laura E. Smith	4608
Annie Nicholas	4609
Minnie R. Taylor	4611
Mary E. Rogers	4614
Emma Downing	4615
William Steere	4619
Roxie J Ketchum	4623
Lizzie Love	4626
Robert K Wann	4632
Frederick Metzner	4633
John C Bratcher	4634
Piqrow L Jones	4641
Ada Bertholf	4642
Alice Robbins	4644
Jane Dougherty	4649
Samuel Francis	4650
Clemon C Peek	4652
Mont C Frazier	4653
Frank J Mayberry	4656
Charles W. Moore	4660
Jefferson D Edmondson	4661
Alonzo H Boone	4662
Thomas C. Mock	4668
Sallie Allison	4669
Elizabeth E. Burgess	4671
LaFayette Breeden	4673
James M Boling	4676
Francis A Neilson	4681
John F Smith	4689
Rufus S Steward	4691
John L. Haddock	4694
Maggie O Walkley	4695
George W Talbert	4698
Mary Miller	4700
Henry C White	4707
Mattie E Hill	4760
Alice A Bible	4772
Katie Coker	4785
John Creek	4801
Ruby R Bean	4804
William J Dodson	4836
Blackburn Reed	4882
Viola Lowther	4891
William B Ritchson	4910
Henry D. McDonald	4950
Della McDaniel	4956
Dorothy Rattlinggourd	4991
Ida McCay	5093
Henry M Lyon	5100
Alice J Wofford	5101
Nancy Morris	5137
Ella Sullivan	5140
Winfield Williams	5144
Bessie M. Smith	5145
May Humphrey	5207
Donnie Burgess	5235

Nora B. Burgess	5236
John E. Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H Wells	5261
John T. Gaylor	5266
Annie Sweeten	5269
Rosalee Hendricks	5278
Emma Chambers	5328
James H. Thomas	5329
Melville B Baird	5332
James R. Goodall	5356
Charles Horton	5390
James W. Goddard	5417
Dora Cox	5425
Nannie G. Alberty	5438
Sallie Ward	5455
William H. Sutherlin	5484
Lizzie Hall	5487
Cyrus B. Essex	5489
Eda Taylor	5493
Laura Taylor	5494
Elector D. Miller	5496
Emberson M Arnold	5498
Stella Henry	5499
William E. Oneal	5506
John M. Sharp	5509
John L. Davis	5514
Sarah E. Downing	5518
Samantha C Glass	5524
Harry Jones	5525
Aggie Paris	5532
James W. Hallford	5535
Phoebe Coker	5537
Anthony K. Douglas	5538
Joseph H Johnson	5541
Harvey O. Riggs	5547
Alice Glass	5553
Addison Reeves	5566
Alice Coats	5572
Julia Kidd	5575
William R. Greer	5576
Rosa M. Sixkiller	5581
Nancy Inlow	5587
Daisey H. Owen	5599
Annie R C Owen	5600
Jesse McKnight	5602
Cicero J. Strange	5610
Henry Westenhaver	5611
Emma H. Roach	5612
William A. Polson	5613
Paulina P. Pitcher	5614
Charley Headrick	5615
William N. Stinson	5616
Lenora A Henry	5621
Effie M. Adams	5622
John H Shimp	5624
Thomas B. Dickson	5625
Minnie Henry	5628
Thomas J. Simpson	5629
Cap L Lane	5630
Reuben E. DeLozier	5631
John Heape	5640
Perry G. Brock	5645
Mary J. Newcomb	5650
George W. Seigel	5660
Martha A. Parks	5666
Zelda C. Mills	5674
Lizzie Rogers	5675
Emma Pigeon	5676
Nellie Bluejacket	5677
Lucy Bacon	5679
Thomas B. Wood	5681
Asa W. Simerson	5683
William J. Kuhn	5686
Elsie Couch	5688
William H. Robinson	5692
Rachel Washington	5693
Isaiah B Blackwood	5700
John R Johnson	5701
Dennis W. Smith	5702
William H Chesnut	5705
William H. Durham	5707
Albert B. Buckmaster	5710
Maud Crutchfield	5730
Joseph S. Layne	5731
Lena Bell	5737
Juan N. Corn	5748
Robert N. Crafton	5750
Benjamin F. Coffee	5756
Frank McSpadden	5760
Charles D. Pendleton	5775
Harden H. Green	5776
Emma J Ward	5778
Robert C Fuller	5781
Henry F Extine	5796
Ida Wyly	5802
Richard L Fite	5815
Edward Lutz	5816
John F. Woodworth	5829

Horace H Huddlestun	5832
William R Sartain	5837
Joseph A Lawrence	5843
William H Hinton	5846
Joseph Lehr	5851
Euin M Young	5852
Mary C Barnes	5853
Matilda Thompson	5861
William W. Young	5872
Farley F. Ellis	5874
Rosa B. Alberty	5877
Sarah Cannon	5879
Mamie Beck	5887
Jack H. Merchant	5888
John D. Merchant	5889
Sarah E. Ghormley	5894
Jerry Young	5906
James H. Brickey	5916
Mary Hicks	5919
George W. Weems	5922
Albert Crain	5923
James M. Jones	5932
Alfred W Shelly	5935
John M Stratton	5936
Waddie Hudson	5937
Robert C. Johnson	5939
Mary T. Thompson	5941
Edith A. Parris	5943
Addie Hubbard	5949
John A. Lowry	5962
John R. W. Brantley	5963
James T. Carroll	5964
Christopher F. Jordan	5965
Minerva E. Stover	5966
John W. Twilley	5967
Joseph W. Mounce	5970
Cornelius P. Potter	5971
Amanda C. Thompson	5972
John M. Rusk	5976
Harrison L. Hughes	5978
Silas B. Dildine	5983
Lewis M. Payne	5985
Nancy Beamer	5988
Sarah F. Selvidge	6002
Posy F. Buckner	6005
John A. Moreland	6010
Alice Welch	6015
Mary C. Thompson	6022
Ida Beck	6029
William R. Tittle	6030
George C Duffield	6031
Amelia Reese	6033
Alexander West	6036
John Tootle	6037
Florence G Langley	6038
John T Ham	6042
Mary L. Jordan	6048
John W Bradshaw	6076
James L. Dean	6079
Amanda J Thompson	6082
Malissa Hubbard	6089
Jane Benge	6111
John D Ryals	6113
John C. DeLozier	6117
Jessie Willis	6118
Mary A. Clark	6124
Mary J Tipton	6126
Leander Newton	6136
William A Qualls	6138
Henderson B. Thomas	6144
Hugh T Watkins	6163
Nancy Keys	6172
Berry Hutchins	6186
Eli Parker	6189
Sarah E Shaw	6194
Julia Keys	6211
Boon J. Grey	6214
John Grubb	6216
William M. Costephens	6230
Jane Bean	6232
Lillie I. Taylor	6236
Abbie B. Adair	6239
Mack C. Watkins	6246
Robert W. Murray	6261
John G. Petty	6269
Lucinda Poorboy	6279
Sarah Mayes	6286
Henry W. Pyeatt	6300
Isaac A. Wilson	6308
John T. Hall	6310
Edward L King	6315
Katie Still	6325
Emmer Carlile	6338
Bird Webster	6347
Fannie Morris	6353
Leonard Lee	6357
James R Miller	6362
James Brackett	6370
Nora Allen	6371
John T. Washington	6373

James J. Snider	6375
William H. Winget	6376
Ida R. Wilkerson	6383
George A. McBride	6385
Matilda Cookson	6387
William A. Fisk	6392
William O. Ames	6394
Thomas Wilkerson	6396
Alice C. Springston	6407
Fanny N. Witt	6413
Lillie M. Adair	6424
Mark F. Matheson	6428
Ida L. Wilson	6431
George E. Marrs	6441
Ulysses S. Reeves	6443
Daniel A. Smith	6447
Henry J. Dawson	6450
Sarah Adair	6452
Ida F. Wilson	6455
Mary E. Taylor	6459
Catherine Henson	6468
Charles C. Fitzsimmons	6471
Mary E. Campbell	6476
Columbus N. Long	6478
Mary Wilkerson	6480
Myrtle Ward	6484
Belle Manus	6499
Martha E. McLain	6508
Mary A. Brown	6517
Marion M. Ballew	6530
Mellie Mayfield	6540
Sarah Blevins	6541
Frank Powell	6542
Georgia Jackson	6546
Leonard S. Simpson	6549
Almira Ussrey	6560
James McInerney	6561
Fannie Carlile	6578
Sadie A. Mayfield	6580
Silas A. Bryan	6581
William S. Martin	6585
Emma J. Thompson	6589
Lydia McDaniel	6593
David W. Lamb	6595
Gus R. Hart	6603
Poca Phillips	6632
Lois E. Daniel	6678
William W. Turner	6689
Lillie B. Blackstone	6714
Mary Lillard	6715
James L. Lee	6717
Rosa Phillips	6723
Kate Brown	6735
Laura B. Barnett	6743
Elizabeth Sanders	6745
William T. Neff	6747
William R. Scott	6751
Laura Fish	6770
Maggie Ketcher	6779
Dora A. McDonald	6783
Rosia B. Willis	6785
Daniel Hubbard	6787
Mary R. Tadpole	6801
Magnus A. McSpadden	6811
Sarah F. Pathkiller	6824
Clora Twist	6845
Mattie M. Welch	6846
Cora Griffin	6850
John S. Hyatt	6853
Jefferson K. Tyner	6855
Flora R. Miller	6859
Lizzie Craig	6872
Jacob C. Johnson	6876
George W. Ware	6897
James B. Deatherage	6901
Lucinda F. Hartness	6943
Frances E. Tehee	6961
James M. Burt	6965
Rady Tipton	6975
Laura Hendricks	6976
Laura V. Smith	6979
Lorenzo C. Darnell	6988
Robert M. Mitchell	7004
William Henry Reeve	7005
James Pyle	7009
Willie Hilderbrand	7015
Alice M. Roberson	7031
Charles Morris	7043
Minerva J. Trent	7051
John H. Keith	7078
Katie E. Ratley	7080
Etta Patrick	7081
Nannie Martin	7090
Rosa B. Harris	7094
Samuel Brown	7100
William H. Turner	7101
Florence Mayes	7104
Maggie McCoy	7112
Mary Belle Cordry	7113
Benjamin Haner	7119

James Maher	7128
Terry A Parkinson	7146
Cora L Hanks	7147
Otto J Zufall	7149
Rufus M Norman	7155
Mary F Foreman	7158
Alma West	7159
James M Connally	7161
Francis M Crowell	7163
Fannie E McClure	7171
Benjamin B Graham	7176
Ada Pharis	7180
William L Whisenhunt	7184
Frances B Perry	7191
Philip Shultz	7210
Hester A Miller	7212
Minnie B Edmonds	7213
Eliza Jordan	7217
William T. Ross	7218
Thomas M Price	7225
James G Wilson	7231
Frank Rhomar	7263
John W. Thompson	7267
Melissa Booth	7271
Solon L Jackson	7273
Henry W Coughran	7282
Sarah Ross	7291
Mary S Smith	7322
John A Martin	7323
Myrtle Robinson	7330
Allen L. Buckner	7331
James L Goad	7350
Elijah Johnson	7351
Mary E. Kimbrough	7360
Jennie Burr	7367
Kiasay Sapsucker	7378
Sarah J. Johnson	7394
William I Branan	7409
Wyatte T. Brady	7412
Lena O Holderman	7413
Mary F. Hummingbird	7420
Bertha A Allen	7425
Robert J. Tyner	7426
Fannie B Martin	7434
Myrtle Wolfe	7435
Mary Blevins	7479
Sarah Ketcher	7488
Charles D England	7512
May Cochran	7544
Rebecca Oglesby	7549
Robert B Collins	7556
Nancy I. Brown	7579
Mary B Walkingstick	7642
Robert T Kelleam	7653
Mollie Morton	7797
Mattie Girty	8006
Mack Alfred	8015
Ida Harmon	8016
Ida McCoy	8417
Rosie Foreman	8903
Annie Jackson	9034
Margaret T Langley	9092
Ida M. Davis	9266
Nora Crapo	9289
Margaret Harmon	9378
Mary B. Langley	9438
Ella Gravitt	9439
William M. Wilson	9444
David O. Scott	9446
Harriett Forbes	9447
John Carver	9449
Thomas J. Davis	9451
Clara M. Boudinot	9453
Mary E Keys	9454
John G. Ainsworth	9456
Mary J Christy	9460
Malinda Seabolt	9462
Mary Cumpton	9464
Mollie P. Mulkey	9465
Andrew Brimmer	9467
James F. Flippin	9471
William Bird	9473
Mollie C. Forbes	9476
William H. Thomason	9478
Mollie Devine	9481
Mary P. Guthrie	9482
Detlev N. Leerskov	9484
Nannie Cowart	9485
Leona Catcher	9489
Alexander B Clapp	9502
Tennie Sanders	9503
Virgil A Wiltshire	9505
Joshua K Carr	9510
Herbert Kneeland	9518
Hugh E. Hope	9519
Thomas J. Ritter	9522
Martha Baldridge	9529
James R. Poindexter	9535
Maud Foreman	9539
Belle Bryant	9542

Joseph P Smith	9550
George E Watkins	9552
Florence Henry	9553
Jesse H Johnson	9560
Lydia B Barger	9561
Mary Jane Thomas	9562
James F Petty	9563
Laura McCrary	9566
Joel D Smith	9568
William T. Cave	9572
William Bugher	9577
James M. Smith	9582
John E. Nazworthy	9583
Beverly L. Lafon	9587
Robert L. Gentry	9590
John C Barker	9591
John P. Greenwood	9593
Henry Hayes	9596
Ella Cornwell	9598
Asa A. Hedrick	9599
William C. M. Robinson	9600
Woodrow Hadley	9612
William T. Gregory	9613
Charles M. Keys	9616
Bate O. Reed	9618
Joseph E. Feland	9623
Florence C. Smith	9625
Charles M. Cox	9630
Otis S. Skidmore	9634
William H. Hundley	9635
Thomas A. McDonald	9636
Annie Sanders	9638
Mack H. Martin	9640
Mary Ward	9653
George Givens	9658
Pheney Poorboy	9660
Charley Kiper	9671
Andrew J. Snider	9672
William T Barton	9684
Daniel Crail	9770
Mary M Motte.	9771
Lecia E Herrin	9854
Gailen E Carrick	9855
Rosa B Barger	9857
Rachel Foreman	9858
Serepta C Willis	9861
Virgie Seabolt	9864
Annie Cannon	9867
Isabella McCoy	9874
Robert E. Dry	9875
William G Brown	9879
John B Delay	9881
Pairlee Thompson	9882
Guenther W Werther	9883
Margaret Crittenden	9884
Moses L Morris	9889
Sarah L. Rogers	9891
Stephen Duncan	9892
Gideon D. Sleeper	9895
William A Maddin	9896
John H Horton	9904
Howe L. Rogers	9905
William Rush	9912
George W. Edens	9916
William H. Hall	9920
Edith B. Pheasant	9935
Carrie A. Collins	9936
Lucinda Spriggs	9937
Ella F. Hail	9939
John W. Harris	9949
Hannah Raper	9942
John J. Coughran	9945
Youra F Waybourn	9946
Louisa J. Taylor	9947
William M. Evans	9948
William F Pierce	9940
May F Chambers	9950
Albert Stevenson	9954
Henry Kiefer	9955
Sarah Bean	9956
Zeno M Cox	9964
Jerusha E Blair	9965
Elias Kyle	9991
Ida Cushman	9992
James W. Fleming	9994
Samuel Holmes	9995
Walter H. Talley	9997
Hannah J. Miller	9998
Clara V. Ward	10002
Stephen W Pittsenberger	10005
Mary E Palmour	10008
William T Partin	10011
Nellie Fields	10013
Sarah A Dawes	10015
Willard E Hutchins	10016
Jesse Talbert	10020
Julia E Setser	10021
Amanda E Howell	10022
Mamie J Rogers	10023
Nannie Rogers	10024

James B Bradshaw	10025
Ida L White	10026
Addie B Miller	10027
William R Condry	10028
James D Canary	10029
John Kelley	10031
Kate Craig	10033
John A. Butts	10034
John J. Dameron	10035
William Warner	10036
George A. Allen	10037
Watie Shetley	10038
John E Carter	10039
John M. Boyd	10043
William Fister	10047
Darius B. Troth	10049
Harry A. Kelley	10050
Mary E. Purcell	10051
Myron L. Bronson	10052
George W. Taylor	10053
Josie Lowther	10054
Fannie D. Perry	10055
Minnie B. Williams	10056
Solomon Copeland	10058
Etha B Wood	10059
James Pace	10060
Wiley B. McElhaney	10062
Nancy Patrick	10063
James R Stout	10072
George Parker	10073
Laura Morton	10074
John D. Kelly	10075
Nettie Swift	10078
Maggie Baldridge	10079
David R. Stubblefield	10080
Thomas J. C. Thompson	10081
Cora P. Harlan	10082
William L. Singleton	10083
Lester Evans	10084
Ellen Mayfield	10085
Ella Bray	10087
David J. Matthews	10094
Thomas Brown	10100
Houston J Payne	10103
Malinda E Scudder	10104
Henry Odell	10105
Fred Macy	10107
Mary Russell	10108
Thomas B. Brown	10109
Samuel L. Milligan	10111
Millie A Carnes	10113
Lucy E Robards	10114
Edward H Fitzgerald	10115
John T Pickard	10117
Charles Rains	10118
Nancy Mayfield	10123
Anna B Tittle	10124
Richard A Clark	10126
Emma B Martin	10128
Walter L Bates	10129
Nellie Brewer	10130
William Hefferman	10131
Levi Ackley	10132
Bessie Davis	10133
Eva Brackett	10135
Caleba Carnes	10136
Jacksie M. Waybourn	10138
Minnie Shutt	10139
Charles L. McClure	10140
William W. Russell	10141
Delia Jenkins	10142
John A. Hood	10143
Oba Maxfield	10145
Mary L. Cloud	10146
Callie Inlow	10147
Everett M Lowrence	10148
Dora E. Hays	10150
Julia M. Schrimsher	10151
Parmelia E. Lyman	10153
Charles F. Trickey	10161
Louisa J. Palmour	10169
George L. Walker	10170
Annie Taylor	10171
Josie Winters Hall	10174
Alice Nichols	10181
Lizzie Dry	10182
Emma Murray	10183
Annie Winton	10187
Marian Evans	10188
Elizabeth J. McClain	10192
Eliza J. Price	10199
Rissie Still	10200
Hannah E Langley	10201
Alma Keith	10203
Flora A. Terrill	10204
Talesphora A Paradee	10205
Samuel Shadix	10206
Mary E Childers	10207
Robert M. Hamilton	10208
Julia Billingslea	10209

Nannie Martin		10210
Sarah A. Fields		10214
Susie Henderson		10216
Charles H. Rienhardt		10218
William H. Watkins		10221
Frank M. Rucker		10222
Henry C Reed		10224
Laura B. Timberlake		10226
George A. Brown		10228
Drucilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M. Cooter	D	17
Martin L. Stokes	D	28
Peter Walters	D	44
Columbus M. Reeves	D	58
Sarah Barnes	D	103
George T. Kiddy	D	108
Henry C. Agent	D	139
Joseph Phipps	D	147
Henry Hilton	D	149
David A. McGlamery	D	161
Maggie Doublehead	D	169
Annie Lovett	D	180
Nora Hood	D	184
John A. Johnson	D	232
Nathaniel G. Simpson	D	242
Oneico W. Head	D	244
Etta Taylor	D	245
Susan V. Sullivan	D	262
Levi H. Tackett	D	263
William H. Connelley	D	264
Julia A. Sullivan	D	284
May Fields	D	297
Katie Hummingbird	D	308
William F. Sager	D	320
Lovick P. Garrison	D	334
Henry Grubb	D	338
Lucy F. Lacey	D	340
Callie Blevins	D	341
James S. Alfrey	D	355
Shadrack C. Wallen	D	368
Ada Hall	D	376
Jane M. Hicks	D	396
Fannie L. Dupree	D	403
Willis Battles, Jr.	D	404
Joshua W. Ellis	D	413
Nina B. Owen	D	450
John M. Ridenour	D	458
Emery S. Thompson	D	464
Joseph Reed	D	468
Adolphus J. Hallum	D	483
Alexander Walker	D	490
Albert J. High	D	491
America Matoy	D	501
Moses L. Grazier	D	503
Myrtle Hall	D	509
Wallace Thursday	D	544
Thomas W. Baker	D	546
Mattie E. Keys	D	550
William S. Edwards	D	560
Susan L. Reed	D	572
William H. Lyman	D	574
Gracia Davis	D	577
Edward C. Bolen	D	582
Dora Guthrie	D	585
Samuel H. Hawkins	D	594
Lula M. Purcell	D	600
Ben Estes	D	603
Thomas M. Reynolds	D	621
Arthur Dodge	D	622
Carrie L. McNair	D	624
Constantine N. Walker	D	641
Joseph Davis	D	648
Leander A. Keys	D	650
James J. Barndollar	D	655
Nathan J. Brink	D	682
William S. Miles	D	688
Emma Waybourn	D	698
Dora E. Rogers	D	708
James W. Turley	D	709
Lizzie Ward	D	711
Robert J. Holly	D	713
Belle I. Quinton	D	728
Francis M. Boothe	D	734
Amos W. Lord	D	746
Agnes N Childers	D	749
John E. Renfrow	D	752
William Coon	D	759
Louis Bruere	D	779
Georgia A. Waybourn	D	786
Eliza Fields	D	787
William H Brown	D	788
William A Cox	D	793
Charles A Robison	D	799
Artha Williams	D	800
Adam Gearhart	D	806
Cicero F. Rogers	D	855
Annie Garrett	D	856
George S. Yarborough	D	875

Rhoda A. Sanders	D	878
Manuel Spencer	D	884
Benjamin H. Hulbert	D	891
Mary Brassfield	D	935
James L. Tindle	D	944
Silas G. Reneckar	D	966
Eliza Wofford	D	967
Jasper L. Newton	D	971
John N. Guinn	D	974
Hannah Parson	D	989
Nellie C. Helterbrand	D	1003
Thomas J. Welch, Jr.	D	1006
Lizzie Christian	D	1010
George Hazlewood	D	1013
James M. Jones	D	1022
Reuben A. Evans	D	1032
Carrie H. Cobb	D	1049
John M. Burns	D	1069
Sarah E. Henson	D	1083
Laura D. Henson	D	1086
Hettie E. Downing	D	1090
Benjamin F. Crain	D	1099
Benjamin Strickler	D	1129
Nancy Spaniard	D	1130
Annie Wilson	D	1131
Ora H. Maxwell	D	1135
Reuben W. Moore	D	1136
Cora Childs	D	1146
Janie Hughes	D	1179
Francis B. Reid	D	1180
Martha Carey	D	1195
Christina Johnson	D	1199
Louvenia Ironside	D	1208
Martha J. Henson	D	1218
David A. Martin	D	1228
Fred D. McEnery	D	1235
Nathaniel R. Martin	D	1261
James H. Requa	D	1266
Frank Carver	D	1267
Etta B. Payne	D	1270
Mary Garrett	D	1271
Joe W. Goodman	D	1272
Mathew J. Flanigan	D	1274
Lizzie C. Holland	D	1285
Etta Downing	D	1291
William Caywood	D	1296
Clarence W. Turner	D	1307
Alfred Chaney	D	1313
Euphemia Sweetwater	D	1314
Etta Russell	D	1319
Ella Vann	D	1320
Linnie Wofford	D	1330
Minnie Downing	D	1332
Katie Rider	D	1334
Samuel G. Mills	D	1337
Alfred H. Woods	D	1342
Cynthia Whitekiller	D	1352
Susie McSpadden	D	1361
Martha J. Houston	D	1363
Samuel M. Colher	D	1367
Katy Payne	D	1369
Joseph H. Warren	D	1375
Mattie Miller	D	1433
S. F. Moore	D	1434
Addie Schrimsher	D	1448
Fannie Vann	D	1458
Marcella Blakeney	D	1474
G. W. Williamson	D	1555
C. F. Walker	D	1558
Louisa Blevins	D	1567
Frank Cowles	D	1581
Mary Francis Madding	D	1637
Thomas Rodman	D	1661
Katie Still	D	1866
Ira Creach	D	1913
D. A. Mounts	D	1967
J. C. Sefton	D	1991
Jennie Holland	D	2024
Lou Sanders	D	2216
Caroline Barnes	D	2591
Lacey Crane	D	2592
Daisy Cash	D	2595
Hiram A. Landers	D	2599
Charles Neel	D	2603
Mattie Robinson	D	2605
Jennie Rich	D	2606
Alexander C. Russell	D	2607
Pricilla Ross	D	2608
Tom W. Reeves	D	2609
Mary Smart	D	2612
Rufus Tidmore	D	2613
Jasper Turquitt	D	2614
Mabel West	D	2618
Ophelia West	D	2619
Cora Whisenhunt	D	2620
Katy Martin	D	2667
Willis Butler	D	2686
Claud Barger	D	2687
Disie Conner	D	2698
John Culwell	D	2699

Herbert F Couch	D	2700	Samuel A. Parkhurst	D	2821
Albert C Dykes	D	2703	Ellen Rogers	D	2822
Delora Drew	D	2704	Elijah Rolland	D	2827
Frank F Danderson	D	2705	Endora Steele	D	2828
James Gafford	D	2708	William M. Stucker	D	2829
Anna L Harlin	D	2715	Sallie Tauuneacie	D	2831
William R. Lipsey	D	2717	Mary Tassle	D	2832
Bertha Landrum	D	2718	John F. Wolf	D	2835
Lila More	D	2722	Ruth A Ward	D	2840
John D. Mathews	D	2723	Winnie Daugherty	D	2884
Mary McIntosh	D	2725	Mary Guthrie	D	2885
Bertha Nidiffer	D	2730	Lydia Long	D	2886
Richard Nichols	D	2731	Edda Roberts	D	2887
William S. Ross	D	2738	Manda Ward	D	2889
Irene Riley	D	2739	Elmira J. Alberty	D	2905
William H. Rowley	D	2740	Thomas C. Cordray	D	2906
Colombus C. Scroggins	D	2741	Edward Fowler	D	2907
Della Summers	D	2743	Dora Foreman	D	2908
William S Sage	D	2744	Parker Holt	D	2909
Eliza Thomas	D	2748	John Haston	D	2910
John P Thurman	D	2749	Georgie Harlin	D	2911
Mary E Davis	D	2770	Percillia Johnson	D	2913
Jessie Frick	D	2774	Bettie Morton	D	2915
Enna Buffington	D	2788	Samantha Spade	D	2917
Will Black	D	2789	Mariah Ward	D	2918
Maggie E Davis	D	2792	Ellen Watt	D	2919
Thomas Dotts	D	2793	Nora Morten	D	2920
William Daws	D	2794	Lizzie Anderson	D	2981
Nancy Dawson	D	2796	Francis Duval	D	2984
Lena Fields	D	2797	Wade S. Hayes	D	2987
Effie Grayham	D	2798	James A. Hankins	D	2988
Alice C. Hill	D	2799	Joseph Hardee	D	2991
Bertha H. Harlin	D	2800	Tennie Horn	D	2992
Margrett C Hudson	D	2801	Eveline Hall	D	2993
Joseph A. Kelley	D	2803	John E. Leftwich	D	2995
Andrew O Kepler	D	2804	Mattie Henson	D	2994
Josephine King	D	2805	John D. Colvard	D	2998
Sarah Jane Birdsong	D	2806	Charles W. Phillips	D	2999
Marion Maddox	D	2807	Sarah Shanks	D	3000
John A. McKenzie	D	2808	Nettie Young	D	3009
Ione McGee	D	2809	Jerry P Ables	D	3048
Ollie Miller	D	2810	Almedie Ross	D	3052
William A. Martin	D	2811	John S J Fowler	D	3055
Jesse P Morrow	D	2812	Leaner Hood	D	3056
Oliver Mason	D	2813	James D Jackson	D	3057
Edna Whitehead	D	2814	Emma G Nelson	D	3058
Charley Nuckolls	D	2815	Alice Simco	D	3059
Etta M. Nidiffer	D	2817	George O Wallace	D	3060
Louizer Ossowee	D	2818	Fannie Clay	D	3078
William H Patterson	D	2820	Ellen Drew	D	3079

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

.....

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

E. 11086

FILED
FEB 28 1902

ACTING CHAIRMAN

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

IN REPLY REFER TO THE FOLLOWING
Cherokee D-1086

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 28, 1902.

Mrs. Laura D. Henson,

Webbers Falls, Indian Territory,

Madam:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 19 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application, that you may deem necessary.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Commissioner in Charge.

Register.

Acting Chairman

C.D. 1086

1108

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of .....A. D. 190..

Given under my hand this..... .....

day of .....A. D. 190 .

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the .....day of ..... , 190 .

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ... day of ..... A. D. 190...

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

...PARTMENT OF THE INTERIOR,
...SSION TO THE FIVE CIVILIZED TRI...

FILED
MAR 10 1902

...
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Laura D. Henson, for enrollment as Cherokee citizens:

Case No. D 1086

To Laura D. Henson.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on March 19, 1903, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this [illegible], 1902.

W. W. Hastings

Attorneys for the Cherokee Nation.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of

Laura D Henson for enrollment as a Cherokee Freedman citizen

No. F. D. 1086 (Dy Cards

, of lawful age, being duly sworn on oath states that on the 11th day of March, A. D., 1902 he registered to Laura D Henson whose postoffice is Keller Falls Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Muskogee Indian Territory; and that on the 18 day of March, 1902 he received the return card which is hereto attached, signed by the said Laura D Henson, showing that he had received said notice.

Arthur J Evans

Subscribed and sworn to before me on this the 18 day of March A. D. 1902

J C Starr

Notary Public.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON C. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

IN REPLY TO THE FOLLOWING

Cherokee D-1086

Muskogee, Indian Territory, October 9th, 1902.

Laura D. Henson,

Webbers Falls, Indian Territory.

Dear Madam:

The Act of Congress, approved July 1, 1902, and entitled ''An Act To provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes,'' (Public No. 241), provides that ''the roll of citizens of the Cherokee Nation shall be made as of September first, nineteen-hundred and two.''

In accordance with said provision, you are hereby notified that the Commission to the Five Civilized Tribes will be at its offices at Muskogee, Indian Territory, until Friday, October 31, 1902, inclusive, for the purpose of affording you an opportunity to show that you have not, between the date of the original application for your enrollment and Sept 2, 1902, forfeited your right as a citizen by intermarriage of the Cherokee Nation.

This evidence should be introduced immediately, as it is necessary in determining your right to share in the allotment of the lands of the Cherokee Nation, and until the same is furnished no further action can be taken looking toward your final enrollment as an intermarried citizen.

Yours truly,

Commissioner in Charge.

~~Acting Chairman.~~

Muskogee, Indian Territory, November 15, 1908.

N. A. Gibson,

Muskogee, Indian Territory.

Dear Sir:

You are advised that your client, Laura D. Henson, has this day been notified by registered latter addressed to Webber's Falls, Indian Territory, to appear before the Commission at its Offices in Muskogee, and submit further testimony relative to her right to be enrolled as a citizen by intermarriage of the Cherokee Nation, and that she will be allowed fifteen days from the date hereof in which to appear before the Commission.

Respectfully,

Acting Chairman.

Cherokee D - 1086.

Muskogee, Indian Territory, November 15, 1902.

Laura D. Henson,

Webber's Falls, Indian Territory.

Dear Madam:

You are hereby advised that, before determining your right to enrollment as a citizen by intermarriage of the Cherokee Nation it will be necessary for you to appear before the Commission to the Five Civilized Tribes at its Office in Muskogee, Indian Territory, and submit further testimony.

You will be allowed fifteen days from the date hereof in which to appear before the Commission. Please give this matter your immediate attention.

Respectfully,

Acting Chairman.

Register.

Cherokee D 1086

Vinita, Indian Territory, January 26, 1903.

N. A. Gibson,

Attorney for Laura D. Hanson,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that before the application of Laura D. Henson for enrollment as a citizen of the Cherokee Nation by intermarriage will be complete, it will be necessary that the applicant introduce further testimony showing her right to enrollment on September 1, 1902.

This testimony can be introduced before the Cherokee Land Office of this Commission at Vinita, Indian Territory, on or before February 19, 1903.

Respectfully,

Acting Chairman.

GRS

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALEXR. L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 1086

Vinita, Indian Territory, January 26, 1903.

Laura D. Henson,

Webbers Falls, Indian Territory.

Dear Madam:

You are hereby notified that before your application for enrollment as a citizen by intermarriage of the Cherokee Nation will be complete, it will be necessary that you introduce further testimony showing your right to enrollment on September 1, 1902.

This testimony can be introduced before the Cherokee Land Office of this Commission at Vinita, Indian Territory, on or before February 19, 1903.

When you appear, please present this letter.

Respectfully,

Acting Chairman.

GRS

Department of the Interior,

UNITED STATES INDIAN SERVICE.

UNION AGENCY,

Muskogee, Ind. T. Dec 2 1903

21087

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
RECEIVED
APR 10 1903

CHAIRMAN

DR. J. C. HARRISON

WEBBERS FALLS, I. T., April 9th 1903

Hon J C Stair
Vinita I.T.

This is to certify that John L Brown is not able to come to Vinita to appear before you to morrow.

J C Harrison M. D.

INDEXED

NO.
30974

Cherokee Land Office,
Tahlequah, I. T.,
Nov. 7, 1905.

Transmits complete record in
Cherokee D-1086, Laura D. Henson.

COMMISSIONERS.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

Cher. D-1086.

Tahlequah, Indian Territory, November 7, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:-

There is transmitted herewith for your consideration and appropriate action the complete record in the matter of the application of Laura D. Henson for enrollment as a Cherokee citizen by intermarriage, Cherokee D-1086.

The question in this case is whether the applicant forfeited her rights under section 667 of the Cherokee laws. She gave additional testimony on March 31, 1903, and was notified by the Cherokee representative that on April 10, 1903, the Cherokee Nation would introduce evidence tending to disprove her right to enrollment. On that day the applicant and her attorney appeared and the Cherokee Nation asked for a continuance. Failing to show any grounds for a continuance, the motion was overruled subject to the approval of the Commission. The witness J. L. Brown was expected to testify that he served a summons on the applicant in the matter of her husband's suit for divorce, which testimony would have tended only to impeach the applicant in a matter that did not reach the material question in the case. The original card in this case is at the general offices at Muskogee.

Respectfully,

C. R. Breckinridge

Commissioner in Charge
Cherokee Land Office.

Enc. C-8.
JOC.

COPY

Cherokee-D-1086.

Muskogee, Indian Territory, November 30, 1904.

W. L. Cheatham,

Bristow, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of November 10, asking to be advised as to the status of the application for the enrollment of Laura D. Henson as a citizen by intermarriage of the Cherokee Nation.

In reply you are advised that the Commission has not yet rendered a decision in this case. You are further advised that the Commission will not consider the applications of persons claiming the right to enrollment in the Cherokee Nation by virtue of intermarriage, until the question of the right of such persons to enrollment in said Nation has been passed upon by the Court of Claims, where the cause is now pending.

Respectfully,

SIGNED. T. B. Needles.
Commissioner in Charge.

Cher, D 1086

Muskogee, Indian Territory, January 10, 1907.

Laura D. Henson,

Webbers Falls, Indian Territory.

Dear Madam:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-100
LMC

REFER IN REPLY TO THE FOLLOWING:

Cherokee
D1086

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 14, 1907.

Laura D. Henson,

Webber's Falls, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully

Commissioner.

RPI

DEPARTMENT OF THE INTERIOR

Commissioner to the Five Civilized Tribes

Muskogee, Indian Territory, March 9, 1907.

NOTICE IS HEREBY GIVEN that the undersigned, the Commissioner to the Five Civilized Tribes, has been designated by the Secretary of the Interior, as the official to make and approve appraisals of the value of improvements upon land in the Cherokee Nation which were made prior to November 5, 1906, by white persons who intermarried with Cherokee citizens prior to December 16, 1895, and who have the right under the Act of Congress approved March 2, 1907 (Public 180), to sell improvements.

NOTICE IS FURTHER GIVEN that former claimants to citizenship by intermarriage who have made permanent and valuable improvements on lands of the Cherokee Nation and who claim the right to sell the same under and by virtue of said Act of Congress of March 2, 1907 (Public 180), must appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, and designate the land upon which are located the improvements which they claim the right to sell by virtue of said Act; and if any such intermarried citizen shall fail to appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, it will be considered that he makes no claim to the benefits conferred by said Act. Such appearance and designation of improvements must be made before the Commissioner at his office in Muskogee, Indian Territory, at any time between Monday, March 11th, 1907, and Saturday, March 30th, 1907, inclusive, or at any of the following named places between the dates named at which places the Commissioner will have a representative to receive said designations and hear testimony relative thereto:

Bartlesville, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Tulsa, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Claremore, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Nowata, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Vinita, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Pryor Creek, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Tahlequah, Ind. Ter., Monday March 18, 1907, to Saturday March 23rd, 1907, inclusive.

Sallisaw, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Designations must be made in person by the intermarried white claimant, or in case proper proof is made that he is physically unable to appear, by some adult member of his immediate family, or in case proper proof is made of the fact that the intermarried white claimant is physically unable to appear and has no adult member of his immediate family, by a person holding a properly executed power of attorney; provided, that in every case the designation must be made by a party familiar with the character, ownership, location and value of the improvements to be designated. At the time of said designation the testimony of any competent person will be taken by the Commissioner as to the location, character and value of said improvements.

No former intermarried white claimant will be permitted to designate improvements upon more land than he would have been entitled to take in allotment for himself had he been admitted to citizenship. If any intermarried white claimant has made a tentative selection of a full allotment he will not be allowed to designate improvements upon other land.

NOTICE IS FURTHER GIVEN that if any citizen of the Cherokee Nation entitled to select an allotment shall claim that the improvements on land tentatively selected by a former intermarried white claimant, or held by him, do not belong to said intermarried

make and approve appraisals of the value of improvements upon land in the Cherokee Nation which were made prior to November 5, 1906, by white persons who intermarried with Cherokee citizens prior to December 16, 1895, and who have the right under the Act of Congress approved March 2, 1907 (Public 180), to sell improvements.

NOTICE IS FURTHER GIVEN that former claimants to citizenship by intermarriage who have made permanent and valuable improvements on lands of the Cherokee Nation and who claim the right to sell the same under and by virtue of said Act of Congress of March 2, 1907 (Public 180), must appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, and designate the land upon which are located the improvements which they claim the right to sell by virtue of said Act; and if any such intermarried citizen shall fail to appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, it will be considered that he makes no claim to the benefits conferred by said Act. Such appearance and designation of improvements must be made before the Commissioner at his office in Muskogee, Indian Territory, at any time between Monday, March 11th, 1907, and Saturday, March 30th, 1907, inclusive, or at any of the following named places between the dates named at which places the Commissioner will have a representative to receive said designations and hear testimony relative thereto:

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NOTICE IS FURTHER GIVEN that if any citizen of the Cherokee Nation entitled to select an allotment shall claim that the improvements on land tentatively selected by a former intermarried white claimant, or held by him, do not belong to said intermarried white claimant, or makes any adverse claim to said improvements, or to the right of the intermarried white claimant to sell said improvements under the Act approved March 2, 1907 (Public 180), said citizen must appear before the Commissioner to the Five Civilized Tribes either at Muskogee, Indian Territory, prior to April 1, 1907, or at one of the places above designated and within the dates above designated and make formal complaint before the Commissioner to the Five Civilized Tribes of his contention. At Muskogee, Indian Territory, between March 11th and March 30th, 1907, inclusive, and at the other places herein named during the hearings at said places as herein fixed, plats will be open for inspection showing the location of tentative allotments made by former claimants to citizenship by intermarriage and all other land on which such claimants claim improvements, so far as indicated by the records of this office.

All persons interested should take careful note of the limitation of time herein provided for, within which designations and complaints may be made, and that they must be made by appearance before the Commissioner.

TAMS BIXBY,
Commissioner.

Registered Letter / Parcel No. 3661 Post Office, Muskogee, Ind. Ter.

3/12

J C Starr

Wilburn Wells OT

H F Eaton


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RECD

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.



Laura D. Henson,

Forward

~~Webbers Falls,~~

Indian Territory.

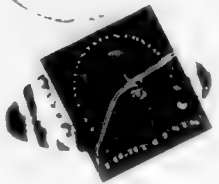

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Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

REGISTERED
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MUSKOGEE, IND. TER.



Laura D. Hewson

Webbers Falls

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Department of the Interior.
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rtment of the Interior.
...ner to the Five Civilized Tribes,
...SKOGEE, IND. TER.



Laura D. Henson,

Webbers Falls, Indian Territory.

D1086

C

Marriage Certificate

Richard Henson

and

Laura Blanchet.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 8 1901

ACTING CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

D1086

Marriage Certificate

Richard Hewson

and

Dana Branch.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 8 1901

ACTING CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.





Unclaimed.

69
66

Laura D. Henson,
[redacted], Indian Territory.

NAME OF THE APPLI... D1086
HOME

Lena D. Henson

IW

Original testimony, Feby 8/1[illegible]

Memo. Feby 8/01

Marriage license & cert.

Certified copy of decree of divorce

Notice of final consideration, 3/19/02

Proof of service of notice 3/19/02

[illegible]

[illegible]

Cher D 1087

Cher D 1087

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 13 1901

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEBRUARY 11th, 1901.

IN THE MATTER OF THE APPLICATION OF Conny Murphy for the enrollment of his wife, Sarah R. Murphy, as a citizen of the Cherokee Nation; said Murphy being sworn and examined by Commissioner, Brookinridge, testified as follows:

Q Give me your full name? A Conny Murphy.
Q How old are you? A Thirty nine in March.
Q What is your Postoffice? A Choska.
Q In what district do you live? A I live in this District.
Q You are living in the Creek Nation? A Yes sir.
Q Who is it you want to have enrolled; just your wife?
A My wife.
Q Is your wife a Cherokee by blood? A Yes, sir.
Q What is her name? A Sarah R. Murphy.
Q How old is she? A Thirty seven years old.
Q She is a Cherokee by blood, is she? A Yes, sir, full blood.
Q Has she lived in the Cherokee Nation all her life?
A In the Creek Nation all her life.
Q Is her mother a Cherokee? A Yes, sir.
Q What is the name of her father? A Martin Buzzardflopper.
Q He is a full blood Cherokee? A Yes, sir.
Q Is he dead? A Yes, sir.
Q Give me the name of your wife's mother? A She knows but I do not.
Q Is her mother dead? A Yes, sir.
Q When were you and your wife married? A 1882, March 5th.
Q Have you a certificate of marriage?
A No, sir, it got burned up.
Q Is there any one here that knows you and she were married?
A No, sir; my brother was a witness and he lives in Missouri.
Q Is there any one here acquainted with you? A Her brother is here.

W. H. MARTIN, BEING SWORN AND EXAMINED BY COMMISSIONER, BROOKINRIDGE, TESTIFIED AS FOLLOWS:
Q Give your full name there? A W. H. Martin.
Q What is your age? A 50.
Q What is your Postoffice? A Muskogee is my postoffice.
Q Do you know the applicant here, Mr. Murphy? A Yes, sir.
Q Is his wife a sister of your's? A Yes, sir.
Q When were they married A I do not know exactly when they were married.
Q Been married a good long time, have they? A Yes, sir.
Q What is the name of your father? A Martin Buzzardflopper.
Q What is your sister's given name? A Sarah.
Q Have they been living together ever since they were married; Mr. Murphy and your sister? A Yes, sir.
Q How long has your father been dead? A My father has been dead ever since I was seven years old.
Q How long has your mother been dead? A She has been dead twenty eight or nine years; I was very small myself.
Q Now who brought you children up? A Mackelmeel. Peter Mackelmeel.
Q Give me the name of his wife? A Betsy Mackelmeel.
Q Are they Cherokees? A His wife is a Cherokee.
Q And what is he? A He is a white man.
Q Are they still living; both of them? A Yes, sir.
Q Where do they live? A In Canadian District.
Q Did your sister live with them until she married Mr. Murphy?
A They were living in Muskogee here during the time he married her.
Q She was brought up in the Canadian District by Mackelmeel?
A They lived until in 1882 until they moved out in the Cherokee Nation; they have been living in the Cherokee Nation since 1882.

Conny Murphy--2.

The Applicant, Conny Murphy, re-called, testified as follows:

Q That is your business, Mr. Murphy? A Farmer.

J. H. Martin, re-called, testified as follows:

Q Mr. Martin, have you any brothers and sisters besides this sister? A I had a half brother and sister but my half sister is dead.
Q Who is Nannie Bussardfloyer on the roll of 1880? A I don't know, it could have been my half sister.
Q Is she dead A Yes, sir.
Q Is she older than you? A Yes, sir.
Q It could have been that half sister who died a long time ago? A Yes, sir.
Q Did you and she have the same father or same mother? A Same father.
Q William is yourself? A Yes, sir.
Q Who is George? A George is my half brother.
Q Who is Jennie? A That is my half sister.
Q How much older was your sister Nannie than you? A I could not tell you I was too small to remember.
Q She was some older? A Yes, sir.
Q Were there any children between you and her or did you come next to her? A I do not know anything about these children at all except George and Jim and Jennie is all I remember of.
Q Now, why is not your sister Nannie next on that roll? A I could not tell you.
Q She is your full sister A Yes, sir.
Q Where were you living in 1880 when you were enrolled; were you living here at Muskogee? A I was living here at Muskogee.
Q And where was your sister living in 1880? A Here in Muskogee.
Q With Mr. Colmes? A Yes, sir.
Q And she may have been left off the roll in that way? A She might have been. I don't know.

1880 Authenticated roll of citizens of the Cherokee Nation examined and witness's name found on page 7 #18 as Willie Bussard Floyer, in Canadian district.

Q That you think is your enrollment in 1880 A Yes, sir.
Q You have a child living with Mr. Colmes now, haven't you? A Yes, sir.
Q Now, this half sister you are talking about, did she die before 1880? A I don't recollect her at all.
Q She likely died before 1880 because you were nine years old then? (No response.)

Conny Murphy the applicant, re-called, testified as follows:

Q Mr. Murphy, do you know the name of this half sister that Mr. Martin is speaking about? A Yes, sir.
Q What is her name? A Her given name is Nellie.
Q Was she living in 1880? A Yes, sir.
Q Was she married? A Yes, sir.
Q What was her name then, in 1880, Nellie Owen? A Yes, sir.
Q Was her husband named Lewis Owen? A He may have been named Lewis, but he went by another name.

Authenticated roll of 1880 of citizen of the Cherokee Nation examined and the name of Nellie Owens is found thereon as follows: (1880 Roll, Page 38, #1058, Nellie Owens, Canadian District)

W. H. Martin, re-called, testified as follows:

Q Your half sister who is dead was very much older than you? A Yes, sir.

Tribal rolls of the Cherokee Nation examined and applicant's wife for whom he applies is identified thereon as follows:
1880 Authenticated roll, page 7, #184, Nannie Buzzard Flopper, Canadian district.
1896 Census roll, page 64, #1467, Sarah Murphey, Canadian district"Now in Creek Nation living with her family of Creek citizens."

Conny Murphy, the applicant re-called, testified as follows:

Q Now, you and your wife have children? A Yes, sir.
Q You propose to enroll these children as Creeks do you? A Yes, sir.
Q How man children have you? A Nine.
Q Give me the names of these children? A Lottie.
Q How old is that child? A She is 18.
Q The next child? A Conny.
Q How old is that child? A He is about 16.
Q The next child? A Mattie.
Q How old is she? A About 14.
Q The next child? A Robert.
Q How old is he? A About 12.
Q The next child? A Augustus.
Q How old is he? A Tom.
Q The next child? A Sallie.
Q How old is that child? A Eight.
Q The next child? A Eliza Jane.
Q How old is that child? A Five or six, six I guess.
Q The next child? A Reichard Lewis.
Q How old is he? A Four.
Q The next child? A Catherine, a year and a hlaf.
Q Next child? A That is all.
Q These children are all living now are they? A Yes, sir.
Q Were these children enrolled in 1896? You have never had these children enrolled as Cherokees? A Some of them were enrolled b t they were scratched off.
Q Have you had these children enrolled as Creeks? A Yes, sir.
Q You claim to be a Creek citizen? A Yes, sir.
Q You say some of these children were enrolled as Cherokees? and that scratched off? A They was not allowed to be enrolled.
Q The enrollment was not allowed to stand? A No, sir.
Q Did you draw Cherokee strip money for any of these children? A No, sir, I drew my wife's money.
Q That was all? A Yes, sir.

Com'r Breckinridge:--The applicant applies for the enrollment of his wife, whom he states is a full blood Cherokee. She is identified on the rolls of 1880 and 1896 as a native Cherokee, under some variations of name, but they are explained in a satisfactory manner in the testimony. Her change of name arising from marriage is established by the testimony of the applicant and of his wife's brother. It appears that they were married in 1882 and that since that time they have lived exclusively in the Creek Nation. They have nine children and the applicant claims to be a Creek citizen. (Q You have enrolled as a Creek have you? A Yes, sir.) He states that he and all of his children have been enrolled as Creek citizens. For the further consideration of the provisions of the Curtis Bill relating to the states herein indicated, this applicant will be

taken under advisement, it not being desired at this moment to pass judgment upon the question whether the applicant's wife should be enrolled as a Creek or Cherokee. She will be listed for enrollment as a Cherokee by blood, but upon a doubtful card for the purpose stated and the final decision will be made known to the applicant at his post office address.

SUPPLEMENTAL to the above application: Conny Murphy, the applicant, further testified:

Q Which enrollment would you wife prefer if she can take either?
A The Creek.
Q Did you apply for her as a Creek? A No, sir.
Q You never contested her right for Creek enrollment? A I just waited the decision of the Commission.
Q You just applied for yourself and children as Creeks? A Yes, sir.

---oOo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 12th day of February, 1901.

C. H. Beaver

Commissioner.

CD 1081

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 28 1902

ACTING CHAIRMAN

Supl.-C.D.#1081.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 19, 1902.

SUPPLEMENTAL in the matter of the enrollment of LEE H. HUTCHINGS as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 28, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902. Receipt has not been acknowledged of Commission's letter.

Mr. Hastings, Cherokee Representative ; The Cherokee Nation moves for a continuance in this case until April 5th, in order to get an important witness they have subpoenaed and has not yet gotten her for some reason.

The request of the Cherokee Nation will be granted and case continued until the 5th day of April, 1902.

---ooo000ooo---

I, J. O. Rosson, do hereby certiy that as stenographer to the C Commission to the Five Civilized Tribes I correctly recorded the proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. December 19th 1902.

In the matter of the application of Sarah R. Murphy for enrollment as a citizen by blood of the Cherokee Nation.

Cherokee D 10 87.

Protest of the Cherokee Nation.

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission rendered in this case on December 10th 1902 and asks that the same be forwarded to the Honorable Secretary of the Interior for review.

As the decision indicates the evidence shows that the applicant since 1882 has lived in the Creek Nation and that she was a resident of the Creek Nation at the date of her application.

In as much as we have discussed this question in the case of Mary J. Willison, Cherokee D 1134 which is now before the Department reference is made to the protest of the Cherokee Nation in that case.

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

Cherokee D-1087.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sarah R. Murphy as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on February 11,1901, Conny Murphy appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of his wife, Sarah R. Murphy, as a citizen by blood of the Cherokee Nation.

The evidence shows that the said Sarah R. Murphy was born in the Cherokee Nation, and that she is a native Cherokee. She is identified on the 1880 authenticated tribal roll of the Cherokee Nation under the name of Nannie Buzzard Flopper. She is also identified on the 1896 census roll of the Cherokee Nation.

The evidence shows that the said Sarah R. Murphy lived in the Cherokee Nation until the year 1882; that since 1882 she has lived in the Creek Nation, and that she was a resident of said Nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Sarah R. Murphy should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress, approved June 28,1898 (30 Stats.,495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this DEC 10 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1087.

Muskogee, Indian Territory, December 15, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Conny Murphy for the enrollment of his wife, Sarah R. Murphy, as a citizen by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. H-262..

B 1/7

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1087.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 23, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 10, 1902, granting the application of Conny Murphy for the enrollment of his wife, Sarah R. Murphy, as a citizen by blood of the Cherokee Nation, a copy of which decision was furnished you on December 15, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

WHEN IN REPLY TO THIS FOLLOWING

Cherokee D-1087

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 26, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 10, 1902, granting the application of Conny Murphy for the enrollment of his wife, Sarah R. Murphy, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 10, 1903.

Respectfully,

Chairman.

9106

Sarah R. Murphy

Original testimony of 2/11/01.
Memo of application of 2/11/01.
Brief of testimony.

Cher D 1088

Cher D 1088

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DEPAR[illegible]
CO[illegible]SION TO [illegible] CIVILIZED [illegible]

FEB

ACTING CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 11, 1903.

In the matter of the application of Lewis E. Rufall for the enrollment of himself, wife and children as Cherokee citizens: he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Lewis E. Rufall.
Q How old are you? A 27 years old.
Q What is your postoffice? A Checotah.
Q In what district do you live? A Canadian district. Checotah is in the Creek Nation.
Q But you live in the Canadian district? A Yes sir.
Q Who do you want to enroll? A Myself and two children.
Q You have no wife? A Yes sir.
Q Don't you want to apply for her? A Yes sir, for all of them.
Q Are you a Cherokee by blood? A Yes sir.
Q Is your wife a white woman? A Yes sir.
Q How long have you lived in the Cherokee Nation? A I was born and raised here in Muskogee; but always staid on my father's ranch in the Cherokee Nation until about four years ago.
Q And then what? A I moved to Checotah and run a blacksmith shop.
Q You moved there four years ago? A Yes sir.
Q Have you ever voted over there in the Creek Nation? A In the Cherokee Nation.
Q Did you vote in the Creek Nation? A No sir.
Q Always considered yourself a Cherokee? A Yes sir.
Q You continued to vote in the Cherokee Nation all the time? A Yes sir.
Q Give me the name of your father. A George Rufall.
Q Is he dead? A No sir, he's living.
Q Give me the name of your mother. A Margaret.Cobb before she married.
Q Is she alive? A Yes sir.
Q Are your father and mother living in the Cherokee Nation? A No sir, they live here in Muskogee.
Q Give me the name of your wife? A Lena J.
Q When did you marry her? A I married in 1897 I think.
Q How old is your wife A She is 24 years old.
Q What was her name when you married her? A Jones.
Q Were you ever married except to her? A No sir.
Q Was she ever married except to you? A No sir.
Q You and she lived together ever since you were married? A Yes sir.
Q What are the names of your children? A Marion R. Rufall.
Q How old is that child? A Three years old last August.
Q And then your next child is Warren E.? A Yes sir.
Q He was one year old last December? A Yes sir.

The applicant presents a certificate showing that he was married on the 4th of May, 1897, to Lena Johns, a citizen of the United States by Judge W. S. Agnew, of Canadian district. This is filed herewith.

Q Your wife's name ought to have been put ~~Jones~~ in the certificate as Jones — they have,it wrong have they? A Yes sir.

The Cherokee Census roll of 1896 examined and the name of the applicant is found on page 83, No. 8313, as Lewis Rufall, in Canadian district.
The authenticated roll of 1880 examined, and the name of the applicant is not found thereon.

Q How comes it that you are not on the roll of 1880? A I don't know hardly. I left it to my mother I guess.
Q But I don't find your father or mother on that roll? A No sir.

2- L.E.Z.

Q You were born in the Cherokee Nation? A I was born in Muskogee. I staid on father's ranch after I got old enough, about twenty-one miles from Muskogee in the Cherokee Nation.

Commissioner Breckinridge-

The applicant applies for the enrollment of himself, his wife and two children. He states that he is a Cherokee, and that his wife is a white woman. He is identified on the roll of 1896 as a native Cherokee, but not upon the roll of 1880; nor is his father or mother identified on the roll of 1880. He states that he was born in Muskogee, in the Creek Nation, and that after he was old enough to be of use upon the farm he lived on his father's farm in the Cherokee Nation until four years ago, since which time he has lived at Checotah where he follows the trade of a blacksmith. He states that he has voted at elections in the Cherokee Nation, and never at any elections in the Creek Nation. He will be listed for enrollment as a Cherokee by blood upon a doubtful card for the further consideration of his case, and reference is made to Case D-1041: the same being the case of his father, and also D -1043, the case of a brother. He is shown to have married his wife in 1897, too late under the Cherokee law of December 16, 1895, to entitle her to enrollment. He states that neither was previously married, and that they have lived together since their marriage. The application for her enrollment is rejected. When he presents satisfactory certificates of birth of the two children, Marion R. and Warren E. Zufall, these children will be listed for enrollment as Cherokees by blood upon the doubtful card with their father.

E.C.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E.C.Rothenberger

Subscribed and sworn to before me this 18th day of February, 1901.

Commissioner.

D. 1038.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., January 28, 1902.

In the matter of the application of Lewis E. Zufall for the enrollment of himself, wife and children as citizens of the Cherokee Nation.

Upon a review of the testimony had in the matter of the foregoing application the applicant, in answer to a question as to the age of his wife, stated that she was twenty-four years old. The enrollment card and the memorandum made when this application was taken show her age to be twenty-seven years. In an affidavit as to the birth of her child, Marion Raymond Zufall, the applicant's wife states that she is twenty-seven years of age. It is apparent that the correct age of the applicant's wife is twenty-seven years.

It is directed that copies of this statement be filed with the testimony in the above case.

Commissioner.

To be filed with case D-1088

Cherokee D-1041

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
Muskogee, I. T. March 18, 1902.

SUPPLEMENTAL TESTIMONY ANDPROCEEDINGS, in the matter of the application of George Zufall for the enrollment of himself, wife and children as Cherokee citizens.

TESTIMONY ON BEHALF OF APPLICANTS.

BY COMMISSIONER: The applicant was notified by registered letter February 27th, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 17th day of March, 1902; receipt has also been acknowledged of the Commission's letter, and on this the 18th day of March, 1902, the applicants appear in person, this case having been continued over from the 17th.

JOSHUA ROSS, being first duly sworn, and being examined, testified as follows:

Appearances/
Applicants in person;
W. W. Hastings attorney for the Cherokee Nation.

BY COMMISSIONER NEEDLES:

Q. What isn your name? A. Joshua Ross.
Q. What is your age? A. 69 years
Q. What is your postoffice? A. Muskogee.
Q. Please state what you may know about the citizenship of Mrs. Zufall? A. In 1873 I made out papers asking signers, getting signers to give citizenship to George Zufall and his wife Mrs. Zufall. And I know that they were married October 1873. And that they have lived together as man and wife ever since. That they had a place over in Canadian District. George Zufall's business has been here mostx all of the time; he has lived there and has lived here. He is a blacksmith, and has raised a large family of children I know. I know that she is a Cherokee Indian, and that he was married according to Cherokee law.
Q. How do you know that he was married according to Cherokee law? A. Because he got the signers there and they presented it to the clerk.
Q. Did you ever see the license? A. No sir, I never saw the license.
Q. What do you know about her citizenship? A. Well, I know she was a Cherokee Indian.
Q. You don't know that she was ever admitted by any act of council? A. No, I don't know anything about that; I got acquainted with her here in 1872 or '3, as a Cherokee Indian.
Q. Been recognized to you knowledged as a Cherokee citizen since that time? A. Yes sir.
Q. Where was she living when you first knew her? A. Living here in muskogee, but her relatives were living near Fort Gibson.
Q. That is about all you know about it? A. Yes sir, that's all I know.

ANNIE ELLIOTT BEING FIRST DULY SWORN AND BEING EXAMINED TESTIFIED AS FOLLOWS

BY COMMISSIONER NEEDLES:

Q What is your name? A. Annie Elliott.
Q. What is your age? A. 53
Q Where do you live? A. In Muskogee.
Q You know Mrs. Maggie Zufall? A. Yes sir.
Q Do you know anything about her citizenship? A. She was always considered as a citizen of the Cherokee Nation, a Cherokee.
Q. Are you a citizen of the Cherokee Nation yourself? A. Yes sir.
Q. You know anything about her marriage to Mr. Zufall? A. I was present at her marriage.
Q. When was that ? A. In 1873.
Q. You know whether they had a license from the Cherokee authorities? A . Why, no sir; I know the judge of th Canadian District married them; Judge Taylor.
Q. They been living continuously together since that time as man and wife? A Yes sir.
Q. You know whether Mrs. Zufall was ever admitted as a Cherokee citizen by the Cherokee authorities? A. She was never out to be admitted. She has always been here; considered as a Cherokee.
Q You know whether her name is on the 1880 roll or not?
A. I don't know but it ought to be, but she says they couldn't find it.
Q. What was her maiden name? A. Cobb.

BY MR. HASTINGS:

Q Where did you first know her Mrs. Elliott? A. I knew her out in Canadian about Brushy Mountain, and Checotah.
Q. How long before her marriage was that? A. I knew her about a year before she was married.; I knew the family.
Q. You didn't have any personal knowledge of her before that time? A. No sir.
Q. Were you present at her marriage and know the judge of the district married her? A. Yes sir.
Q. Been living in Muskogee since that time? A. Oh I think she lived in the CherokeeNation awhile.
Q. Most ofthe time in Muskogee? A. Yes sir, they have always had a place.
Q. What is her father's name? A. Cobb.
Q. You know his first name? A. No sir.

SIM GARLAND, being first duly sworn, and being examined, testified as follows:

BY COMMISSIONER NEEDLES:

Q. What is your name? A. Sim Garland.
Q. What is your age? A. 48
Q. What is your post office address? A. Muskogee.
Q. What is your nationality? A. Choctaw.
Q. Do you know Maggie Zufall? A. I have known her ever since 1870 I think.
Q. You know anything about her Cherokee citizenship? A. Well she was always considered a Cherokeesever since I knew her, she has always lived there.
Q. You know her husband George Zufall? A. Yes sir, I know him.
Q. You know anything about his marriage? A. Yes sir.
Q. What do you know? A. I was at Brushy Mountain when they were married; a few minutes after that Judge Taylor told me that George Zufall handed him a license with a ten dollar bill in it.
Q. Well they have lived together since that as man and wife? A. Yes sir, to the best of my knowledge.
Q. You know her father and mother? A. No sir, I don't know them.
Q. Don't know how much Cherokeeblood she has ? A. No sir.

BY MR. HASTINGS.

Q. How do you happen to remember the circumstances of the Judge saying that George Zufall handed him a license with a ten dollar bill in it? A. Never thought anything more about it, until Mr. Zufall ask

fable
ed me to come up here the other day, and I was thinking what the circumstances were.
Q. You never saw the license? A. No sir.
Q. Nor thsten dollar bill either? A. No sir, only he was talking about it, and he said that he would like for a few more white men to get married.
A. Did you know the judge who issued the license? A. No sir.
Q. Didn't know anything about that? A. No sir.
Q. The clerk of the district was not there was he? A. No, not that I know of.
Q. Your acquaintancewith this woman is dated as far back as 1870?
A. Yes sir.
Q. You didn't know her parents? A. No sir.

GEORGE ZUFALL, being first duly sworn and being examined testified as follows:

BY COMMISSIONER MEEDLES:

Q Q. What is your name? A. My name is George Zufall.
Q. what is your age? A. My age is 62.
Q. What is your post office? A. Muskogee.
Q. Are you the husband of Maggie Zufall? A. Yes sir.
Q. You were marriedto her according to the laws of the Cherokee Nation? A. Yes sir.
Q. Did you get out a regular marriage license? A. Went down to the office and got a certificate from the clerk of the court, handed it to Mr. Judge Taylor, and get married on Brushy Mountain under Cherokee law in the Cherokee Nation . I didn't get no marriage license, why I don't know, the time I got marriage I guess, I suppose they didn't get any, I don't know; our marriage license has never been on record.
Q. You haven't got the license? A. No sir.
Q. You are a white man? A . Yes sir.
Q. Have you lived with your wife continuously since that time?
A. Yes sir.
Q. You say you paid for the license? A. yes sir, down to the Falls.
Q. How much did you pay? A. Two dollars; that was to the clerk of the court down to Webbers Falls.
Cherokee court? A. Yes sir.
Q. Did you get out a petition? A. I got a petition, Mr. Ross there did.
Q. You got out a petition? A. Yes sir, had nine signers on it; Mr. Ross was one of the first ones that ever signed it.
Q. You never got the license back? A. No sir.
Q. License didn't cost you but two dollars? A. That was a certificate I took the oath of allegiance down there and paid the clerk two dollars; that's all I paid.
Q. Was that the price of a marriage license at that time; for a white man marrying a Cherokeewoman, only two dollars? A. I couldn't tell you about that. Q. Who did you pay the two dollars to? A. To the clerk of the court, his name is McCorkle; he is living yet.
Q. Who married you? A. Judge Taylor.
Q. You know whether your wife ever applied to the Cherokee authorities to be admitted as a Cherokeecitizen or not? A. I don't know; we never went out of the Nation. I know under the compact law we could live in the Creek Nation as well as the Cherokee Nation, and we have had more property in the Cherokee Nation the last twenty years than we have got in the Creek Nation.
Q. Your wife was never admitted by the Cherokee authorities, that you know of? A. Not that I know of. I don't know as it is necessary to be readmitted when we never lived out of the Nation.

MAGGIE ZUFALL, being first duly sworn and being examined testified as follows:

BY COMMISSIONER MEEDLES:

Q. Your name is Maggie Zufall? A. Yes sir.
Q. You are the applicant here? A. Yes sir.

BY MR. HASTINGS.
Q Your maiden name was Cobb? A. Yes sir.
Q. Where were you born? A. Georgia.
Q. When did you come to this country? A. I don't know, I was three years old when we come here.
Q. You are a out 48 now? A. Yes sir.
Q. You came to the country then before the war? A. Yes a long time I reckon.
Q. You stay here during the war? A. Yes. We were over in Gibson all during the war.
Q. Did you live in the Cherokee Nation up until the time you were married? A. Yes sir.
Q. your father's name was Jack Cobb ? Yes sir
Q. What was your mother'sname?
A. Lucy Viskery.
Q. Where did your father and mother die? A. Over there about a half mile from Port Gibson.
Q. Where were you living at the time you married Zufall? A. I was living with my aunt down on the Arkansas river, at Frozen Rock.
Q. In Canadian District? A. Yes sir.
Q. Since that time you have either lived in Muskogee or Canadian District?x, one or the two? A. Yes sir.
Q. Most of the time in Muskogee? A. Yes sir.

BY COMMISSIONER NEEDLES:
Q. You know the reason that your name is not on the 1880 roll?
A. No, I really don't. We might have been in the Nation, or maybe was sick or something, I don't know how it was.

GEORGE W. ELLIOTT, being first duly sworn and being examined testified as follows:
BY COMMISSIONER NEEDLES:
Q. What is your name? A. George W. E lliott
Q. What is your age? A. 66.
Q. What is your posteffice address? A. Muskogee.
Q. What nationality are you? A. I was born in Baltimore, Maryland.
Q. You are not an Indian? A. No sir.
Q. Do you know Maggie Zufall? A. Yes sir.
Q. How long have you known her? A. Since 1872 anyhow, I don't know whether it was before that or not.
Q. You know anything about her marriage to George Zufall? A. Yes sir I was at the wedding and stayed all night at their house.
Q. You know whether he had a C erokee license or not?
A. No sir, I do not.
Q. You know anything about the citizenship of Mrs. Zufall? A. No sir

MRS. MAGGIE ZUFALL,-recalled and being examined testified as follows:
BY COMMISSIONER NEEDLES:
Q. Any questions you would like to ask him? A. No sir, not that I know of.
Q. Any other witnesses? A. No, that is all we have.
Q. Are you willing to submit your case to the Commission now on the testimony that has already been given? A. I don't know; if I am doubtful of course I can prove up that I am an Indian, if that is what you want to know. Indian by blood, and I know my mother was an Indian.
Q. Did you apply in 1896 to be enrolled as an ~~Eastern~~ citizen; did you apply to the Commission in 1896 under the law of June 10? A. I was I was enrolled wasn't I? No, I didn't apply to the Dawes Commission.
Q. Fact is you have never applied to any Commission to be enrolled as a Cherokee citizen before your present application? A. No sir.
Q. Well if you are willingto submit t he case on the testimony given the case will be ordered closed? A. Well I guess that is all right, I am willing to- I can prove I am an Indian; I have relations and aunts who have got theirs.
Q. You applied for your daughter Pearl when you applied for yourself? A. Yes sir. Q. She was 21 years of age? A. Yes sir, Q. Why didn't she apply for herself? A. She was not here, she wasoff at school and

Q. Why didn't she apply for herself? A. She was not here. She was off at school and they told me that it would be all right as she was under my care; it would be all right.
Q. She is still unmarried? A. Yes sir.
BY COMMISSIONER MEREDITH:
Well we will give you until the 24th of th this month,-that is six days,-to bring witnesses to prove your Indian citizenship?
A. Yes sir, I can get them any day I want.
BY COMMISSIONER MEREDITH: Case continued until the 24th of the present month.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) M. D. Green.

I, Frances S. Botefuhr as stenographer to the Commission to the Five Civilized Tribes do solemnly swear that the above and foregoing is a true and complete copy of the evidence offered in Cherokee case D-1041.

Frances S. Botefuhr

Subscribed and sworn to before me this 20th day of May, 1902.

Notary Public.

C201088

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 27 1902

ACTING CHAIRMAN

Supl.-C.D.#1088.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 19, 1902.

SUPPLEMENTAL in the matter of the enrollment of LEWIS E. ZUFALL, ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 28, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902. The applicant has this day, been called and fails to respond either in person or by attorney, and it is directed that a copy of the testimony had on the 18th day of March, 1902, in the matter of the application of the applicant's mother, Maggie Zufall, Cherokeecase No. 1041, be filed with and made a part of the record in this case. This case is now deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---oooOOOooo---

I, J. O. Rosson, do do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings this day had in the above application, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

IN THE MATTER OF THE APPLICATION

Lewis O. Zufall et al

FOR ENTRY MENT AS

CHEROKEE FREEDMEN

A Original testimony Feby 11/02
B Memo of application Feby 11/02
C Birth certificate as to Marion
1' " " " " Warren E
Quiet Order Jan 28 190
" Notice of final consideration, 3/19/
" Birth affidavit Eva Zufall

See Jacket No (N 536.

Cher D 1089

Cher D 1089

D1089

DEPARTMENT OF THE INTERIOR
DECISION TO THE FIVE CIVILIZED TRIBES

FILED
FEB 13 1901

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. February, 13th 1901.

In the matter of the application of Charles M. McClellan for enrollment as a Cherokee citizen; he being sworn before Commissioner C. R. Breckinridge, testified as follows:-

Q What is your name? A. Charles M. McClellan.
Q How old are you? A. 55.
Q What is your post office? A. Claremore.
Q In what district do you live? A. Coowescoowee.
Q Do you want to enroll yourself and family? A. Yes My family has been enrolled.
Q Just apply for yourself? A. Yes sir.
Q Your wife and children have been applied for? A. Yes sir.
Q What is your wife's name? A. Jennie L.
Q You claim as an inter-married citizen? A. Yes sir.
Q You are a white man? A. Yes sir.
Q Have you your marriage license and certificate? A. No sir.
Q When were you married? A. 8th of February, 1869.
Q What was your wife's name when you married her? A. Foreman.
Q Was that her maiden name? A. Yes sir.
Q Give me the name of her father? A. Stephen Foreman.
Q Is he dead? A. Yes sir.
Q Give me the name of her mother? A. Sallie.
Q Is her mother dead? A. Yes sir.
Q Has your wife lived in the Cherokee Nation all her life? A. Yes sir, excepting a year or two during the war.
Q She of course is a Cherokee by blood? A. Yes sir.
Q Was your wife never married except to you? A. No sir.
Q And you were never married except to her ? A. No sir.
Q Have you and she lived together since you were married in 1869? A. Yes sir.

The 1880 authenticated rolls of the Cherokee Nation examined and on page 141, #1827 thereof appears the name of C.M.McClellan in Coowescoowee district.

The 1896 census roll of the Cherokee Nation examined and on page 316, #1927 thereof appears the name of Charles McClellan in Coowescoowee district.

Q Did you ever take an allotment on the Cherokee Strip? A. Yes sir, myself and my family all taken allotments on the Strip.

By W.W.Hastings:-

The Representatives of the Cherokee Nation protest against the enrollment of Charles M. McClellan as a citizen of the Cherokee Nation by adoption because of the fact that in September, 1893, he took an allotment on what is known as the Cherokee Strip, without any compensation to the Cherokee Nation, as did other allotees of the Cherokee Strip who were residents of the Cherokee Nation and citizens of the same by blood.

Examination of applicant continued by the Commission:

Q Did you take an allotment on what is known as the Cherokee Strip in 1893?
A Yes sir.
Q Did you live there prior to that time? A. Yes sir.
Q When it was a part of the Cherokee Nation? A. Yes sir.
Q How long did you live there after you took your allotment? A. I had a ranche there .
Q Have you that ranche yet? A. No sir.

Q How long did you have it? A. All cattle men were put out of there in '90.
Q When have you ceased to make your home in that section? A. I lived there in 1883; I staid there myself most of the time until we left for good; went there in '80 and staid until '90. My family did not live there long we had chills and fever and they went back home--I staid out there.
Q And your family were back at home near Claremore ? A. Yes sir and at Tahlequah.
Q Your family never did live there did they? A. Yes sir in 1883.
Q When did your family quit living there? A. Same year.
Q You haven't lived there yourself since 1890? A. No sir.
Q Do you still own a place there? A. Yes sir own an interest.
Q Your real home was back here in the Cherokee Nation? A. Yes sir.
Q How much land did you take in that allotment? A. Eighty acres.
Q You sold that did you? A. Yes sir.
Q When did you sell it? A. Think it was in 1894.
Q And you kept the proceeds of it? A. Never got anything out of it; started a town-site on it and I lost it.
Q But if any proceeds had arisen you would have gotten it individually
Q Yes sir I guess so, the Government issued me a patent to it; it was valued at $112.00
Q You have heard to protest made by the Representatives of the Cherokee Nation; your claim I presume is that you had under Cherokee Constitution and laws the same right as any other Cherokee citizen? A. Yes sir I think I have.
Q You didn't receive any Strip money in 1894 did you? A. No sir.
Q So there was no reduction made from the Strip money by reason of your allotment and no balance paid over to you in 1894? A. No sir.

Com'r Breckinridge,-

The applicant is identified on the 1880 and 1896 rolls as an adopted Cherokee. He is a white man and states that he has lived with his wife, a Cherokee woman, and in the Cherokee Nation ever since their marriage in 1869. The Cherokee Representatives present protest against the enrollment of this applicant upon the ground that he beinge an intermarried citizen ,took an allotment in what is known as the Cherokee Strip in 1893. For the further consideration of this point the applicant will now be listed for enrollment as a Cherokee by intermarriage on a doubtful card, and the final decision of the Commission will be made known to him at his post office address.

= =

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this 16th of February, 1901.

Commissioner.

O.D. 1089

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 28 1902

ACTING CHAIRMAN

Supl.-C.D.#1189.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 19? 1902.

SUPPLEMENTAL in the matter of the enrollment of CHARLES M. McCLELLAND as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 28, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902, and that on said date he might appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any additional testimony affecting his application. The applicant having this day, to-wit: the 19th day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---oooOOOooo---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings has this day in the above application, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

RECEIVED
DEC 14 1982

ACTING CHAIRMAN

Cherokee D-1989.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 28, 1903.

In the matter of the application of Charles M. McClellan for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A Charles M. McClellan.
Q How old are you? A I will be fifty-seven next birthday; fifty-six last March.
Q What is your postoffice address? A Claremore.
Q Are you an applicant for enrollment as an intermarried citizen?
A Yes sir.
Q What is your wife's name? A Jennie L.
Q Is she living? A Yes sir.
Q Is she a Cherokee by blood? A Yes sir.
Q When were you married to your wife, Jennie L.? A February, '69.
Q Married under a Cherokee marriage license were you? A Yes sir.
Q Have you filed your license with the Commission? A No sir, we couldn't find my license, it got misplaced some way.
Q Did you make proof to the Commission? A Yes sir.
Q Were you on the 1880 roll with your wife as an intermarried citizen? A Yes sir.
Q Have you and your wife lived together from 1880 up to the present time? A All the time, yes sir.
Q Never have been separated? A No sir.
Q You never have been married to any other woman since 1880? A No sir.
Q You and your wife were living together on the first day of September, 1902? A Yes sir.
Q Have you lived in the Cherokee Nation all the time since 1880 up to the present time? A Yes sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. C. Rothenberger.

Subscribed and sworn to before me this 29th day of November, 1903.

B. O. Jones
Notary Public.

Cherokee D-1089.

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application for the enrollment of Charles M.McClellan as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

--oOo--

The record in this case shows that on February 12, 1901, Charles M. McClellan appeared before the Commission at Muskogee, Indian Territory and made personal application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 19, 1902 and on October 26, 1902.

The evidence shows that the said Charles M. McClellan was married to Jennie L. Foreman, a Cherokee citizen by blood, in 1869. The said Charles M.McClellan is identified on the 1880 authenticated tribal roll of the Cherokee Nation, and on the 1896 Census roll of said nation.

It further appears that the said Charles M. McClellan took an allotment of eighty acres on the "Cherokee Strip", and received a patent therefor. It further appears that the said Charles M. McClellan on March 14, 1902 paid to the treasurer of the Cherokee Nation $112.00, the receipt therefor stating that the same was the amount due the Cherokee Nation from him for his allotment on the "Cherokee Strip."

The evidence further shows that the said Charles M. McClellan has lived in the Cherokee Nation with his said wife continuously since 1880, up to, and including September 1, 1902.

It is therefore, the opinion of this Commission that Charles M. McClellan should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Acting Chairman.

T. B. Needles.
Commissioner.

C. [illegible]
Commissioner.

Dated at Muskogee, Indian Territory,
this FEB -7 1903.

R C M

COPY.

Cherokee 10152.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of CHARLES M. McCLELLAN as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, February 12,1901 application was received by the Commission to the Five Civilized Tribes for the enrollment of Charles M.McClellan as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 19,1902, October 28,1902 and January 31, 1907. The records further show that on February 8, 1903 the Commission to the Five Civilized Tribes rendered its decision herein granting said applicant the right to enrollment as a citizen by intermarriage of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Charles M. McClellan, a white man, was married in accordance with Cherokee law February 8, 1869 to his wife, Jennie L. McClellan, nee Foreman, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Ceoweescoowee District No.1928, as a native Cherokee; It is further shown that from the time of said marriage the said Charles M. McClellan and Jennie L. McClellan resided together as husband and wife and continuously lived in the Cherokee Nation up to and including September 1, 1902. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That the decision rendered by the Commission to the Five Civilized Tribes, February 2, 1903, granting the application for the enrollment of Charles M. McClellan as a citizen by intermarriage of the Cherokee Nation be and is hereby affirmed, and that in accordance with the decision of the Supreme Court of the United States dated November 5, 1906 in the cases of Daniel Red Bird, et al. vs. the United States, Nos.125, 126, 127 and 128, the said applicant, Charles M.McClellan is entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

SIGNED Tams Bixby.
Commissioner.

Dated at Muskogee, Indian Territory
this FEB 11.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1089

Muskogee, Indian Territory, February 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of Charles M. McClellan for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. M-24

REFER IN REPLY TO THE FOLLOWING:
Cherokee 10152

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 14, 1907, granting the application for the enrollment of Charles M. McClellan as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Commissioner.

Encl.H-26
JMH

IN THE MATTER OF THE APPLICATION OF

Charles M. McClellan

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A Original testimony Filed by 12" 1901

B Memo. of application Filed by 12/5/01

C Notice of final consideration 3/19/02

D Certificate from Treas. of Tahlequah Nation

Examined and found to be correctly

Entered

Recorded

Enrolled

Remarks

Cher D 1090
see Cher 7261

Cher D 1090

FEB 13 19

D1096

Straight as to applicant.
Doubtful as to wife Hettie and their children.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. February, 12th 1901.

In the matter of the application of Thomas Downing for the enrollment of himself, wife and children as Cherokee citizens; he being sworn before Commissioner C. R. Breckinridge, testified as follows-

Q What is your name? A. Thomas Downing.
Q How old are you? A. 35.
Q What is your post office? A. Texanna.
Q In what district do you reside? A. Canadian.
Q Who do you want to have enrolled, yourself and family? A. Yes sir.
Q Have you a wife? A. Yes sir.
Q How many children? A. Three.
Q Are you a Cherokee by blood? A. Yes sir.
Q Is your wife a Cherokee by blood? A. She is a white woman.
Q Are you a full blood? A. Cannot say.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Give me the name of your father? A. George Downing.
Q Is he dead? A. He is alive.
Q Give me the name of your mother? A. Dianna.
Q Is she dead? A. Yes sir
Q What is your wife's name? A. Hettie.
Q How old is your wife? A. 25.
Q When were you married? A. '94
Q Were you ever married except to her? A. Yes sir.
Q How many times were you married before you married her? A. Once.
Q To whom were you married the first time? A. Mariah Love.
Q Was she dead when you married this wife Hettie? A. No sir.
Q When did you marry Mariah Love? A. Cant tell exactly.
Q Have you any children by her? A. One
Q When did you and Mariah Love seperate? A. Cant tell exactly.
Q Was she a Cherokee? A. Cherokee.
Q Is she still living? A. Yes sir.
Q Did you get a digcree? A. Yes sir.
Q Where is the decree of divorce? A. In Canadian district court I guess.
Q You haven't a copy of it? A. No sir.
Q Did you get a divorce from your wife Mariah before you married this present wife? A. Yes sir.
Q Was your present wife ever married except to you? A. No sir.
Q Have you a certificate of marriage to your present wife? A. Yes sir.
Q What was your present wife's name when you married her? A. Abney.

The applicant presents a marriage license dated February 24th 1894, authorizing marriage between himself and Miss Hellie E. Abney; the certificate shows that they were united in marriage on the day following by the Rev. I. J. C. Nichols. This is filed herewith.

Q How did they get your wife's name so badly written in this license--is this intended for your wife? A. Yes sir.
Q Was she an "E" in her name? A. Yes sir.
Q Have you and she lived together ever since you were married? A. Yes sir.
Q Give me the names of these children. A. Maggie.
Q How old? A. Six.
Q Next child? A. Lewis.
Q How old? A. Three.
Q Next child? A. George.
Q How old is he? A. Fifteen months.
Q These children are all alive now are they? A. Yes sir.
Q Where did you get your divorce from your first wife? A. In the Canadian District court.

The authenticated 1880 roll of the Cherokee Nation examined and on page 14,#371 thereof appears thename of Thomas Downing in Canadian District.

The 1896 census roll of the Cherokee Nation examined and on page 19,#536 thereof appears the name of Thomas Downing in Canadian District. On page 86 thereof,#69 appears the name of Hettie Downing in Canadian district; on page 19,#537 thereof appears the name of Maggie Downing in Canadian district.

Comr.Breckinridge,-

The applicant applies for the enrollment of himself, wife and three children; he is identified on the rolls of 1880 and 1896 as a native Cherokee; he has lived in the Cherokee Nation all his life, and he will be listed now for enrollment as a Cherokee by blood. His wife is a white woman; he is shown to have married her in 1894 by a license and certificate filed herewith. He states that she was never married before, but that he was once previously married but that he was divorced from his first wife before he married his present wife, but he is not able to supply the Commission with a decree of divorce at this time. He states that he and his present wife have lived together ever since their marriage. She will be listed for enrollment as a Cherokee by adoption on a doubtful card to await a copy of the decree of divorce from the applicant and his first wife. Of the three children named in the testimony, the oldest,Maggie,is duly identified on the roll of 1896,but as the right of this child to enrollment depents upon the legality of the marriage between her white mother and her Cherokee father, this child will be listed for enrollment as a Cherokee by blood on a doubtful card. When this Commission is supplied with certificates of birth of the two younger children, Lewis and George, they also will be listed for enrollment as Cherokees by blood on a doubtful card to await the evidence of divorce just referred to.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this 13th of February, 1901.

Commissioner.

D 1090

B

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 12 1901

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

Cans.

CHEROKEES BY BLOOD AND ADOPTION.

Date Feb. 12, 1900.

Name Texana St. P.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

251

Wife's name Hattie C. Downing

District Cans. Year 1896 Page 86 No. 69

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

2 Maggie Downing Dist. Cans. Year 1896 Page 19 No. 5-37 Age 6

3 Infant " Dist. " Year Page No. Age

4 Grace " Dist. " Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

No 3 & 4 Applicants of this
to be subscribed
Texana Divorce from
husband formerly wife to
be subscribed

D 1040

20

IN RE

Application for Enrollment of

INFANT CHILD

Lewis Downing

as a citizen of the

Cherokee Nation.

Approved, March 15 1901 190

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 16 1901

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,

of Lewis Downing (Here insert name of child), born on the 14th day of November, 1897

Name of Father: Thomas Downing, a citizen of the Cherokee Nation.

Name of Mother: Hettie Downing, a citizen of the Cherokee Nation.

Post-office, Texarma Ind Terry

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY
Northern District.

I, Hettie Downing, on oath state that I am 25 years of age and a citizen, by Marriage, of the Cherokee Nation; that I am the lawful wife of Thomas Downing, who is a citizen, by Blood, of the Cherokee Nation; that a male (male or female) child was born to me on the 14th day of November 1897; that said child has been named Lewis Downing and is now living.

Hettie Downing
her mark

WITNESSES TO MARK:

(Must be Two Witnesses.) J. C. Grove
Thomas Downing.

Subscribed and sworn to before me this 11th *day of* Feby *1901.*

J. C. Grove
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY.
Northern District.

I, Dyton Bennett, an M.D., on oath state that I attended on Mrs. Hettie Downing, wife of Thomas Downing, on the 14 day of November, 1897; that there was born to her on said date a male (male or female) child; that said child is now living and is said to have been named Lewis Downing

Dyton Bennett

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 11th *day of* Feby *1901.*

J. C. Grove
NOTARY PUBLIC.

D1040

20

IN RE

Application for Enrollment of

INFANT CHILD

George Downing Jr.

as a citizen of the

Cherokee Nation.

Approved, MAR 16 1901 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 16 1901

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of George Downing Jr. (Here insert name of child), born on the 14th day of November, 1899.
Name of Father: Thomas Downing, a citizen of the Cherokee Nation.
Name of Mother: Hettie E Downing, a citizen of the Cherokee Nation.
Post-office, Texanna Ind Terry

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, } ~~INDIAN TERRITORY~~
Northern District. }

I, Hettie E Downing, on oath state that I am 25 years of age and a citizen, by Marriage, of the Cherokee Nation; that I am the lawful wife of Thomas Downing, who is a citizen, by Blood, of the Cherokee Nation; that a male (male or female) child was born to me on the 14th day of November 1899; that said child has been named George Downing Jr, and is now living.

Hettie E Downing
her
X
mark

WITNESSES TO MARK:
(Must be Two Witnesses.) J C Gross
Thomas Downing

Subscribed and sworn to before me this 11th *day of* Feby *190*1.

J. C. Gross
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, } ~~INDIAN TERRITORY~~
Northern District. }

I, Dyton Bennett, a M D, on oath state that I attended on Mrs. Hettie E Downing, wife of Thomas Downing, on the 14 day of November, 1899; that there was born to her on ~~said date~~ a male (male or female) child; ~~that said child is now living and is said to have been~~ named George Downing Jr

Dyton Bennett

WITNESSES TO MARK
(Must be Two Witnesses.)

Subscribed and sworn to before me this 11th *day of* Feby *190*1.

J. C. Gross
NOTARY PUBLIC.

Supl.-C.D.#1190.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 19, 1902.

SUPPLEMENTAL in the matter of the enrollment of HETTIE E. DOWNING as a citizen of the Cherokee Nation:

The applicant was notified by registered letter Feburary 28, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902, and that on said date she might appear before the Commission either in person or by attorney, when an opportunity would be given her to introduce any further testimony affecting her application. The applicant has this day, to-wit: the 19th day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 28 1902
ACTING CHAIRMAN

---ooo0000ooo---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

CD 1090

Supl.-C.D.#1190.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 19, 1902.

SUPPLEMENTAL in the matter of the enrollment of HETTIE E. DOWNING as a citizen of the Cherokee Nation:

The applicant was notified by registered letter Feburary 28, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902, and that on said date she might appear before the Commission either in person or by attorney, when an opportynity would be given her to introduce any further testimony affecting her application. The applicant has this day, to-wit: the 19th day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---oooOOOooo---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J O Rosson

D 1090

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUL 28 1902

ACTING CHAIRMAN

EXECUTIVE DEPARTMENT

CHEROKEE NATION.
TAHLEQUAH, INDIAN TERRITORY. July 7, 1902.

Mr. Tom Downing,
Dear sir & friend:

I have made a seach for the the record of your marriage to your first woman and also for the record of divorce between you and her but neither matter shows on the records.

Respectfully,

B. W. Alberty
Asst. Ex. Sec.

Cher-D-1090.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 30, 1902.

In the matter of the application of Hettie E. Downing for enrollment as a citizen by intermarriage of the Cherokee nation, and for the enrollment of her children Maggie, Lewis and George Jr., as citizens by blood of the Cherokee nation.

Thomas Downing, called as a witness in the above entitled cause, being first duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Thomas Downing.
Q How old are you? A Thirty-seven.
Q What is your postoffice? A Texanna, I. T.
Q Are you a recognized citizen by blood of the Cherokee nation? A Yes.
Q What is your wife's name? A Hettie E.
Q She is a white woman? A Yes sir.
Q An applicant for enrollment as an intermarried citizen? A Yes sir.
Q When were you married to Hettie E. A Married the last day of February, 1894.
Q Were you ever married before you married this woman? A Yes sir.
Q How many times had you been married before? A Once.
Q What was your wife's name? A Her maiden name was Maria Love.
Q Was she living ordead when you married Hettie? A She was living.
Q Had you been divorced from her? A Yes, I made application and my attorney informed me that a decree had been granted.
Q Have you filed a copy of it with the Commission? A No, there is no record of a divorce at all.
Q What court was it granted in? A Canadian district.
Q Have you ever applied to Mr. Parks? A I applied to Alberty and he sent me a letter, and I sent it to the Commission.
Q Have you made any proof of the divorce from your first wife to the Commission other than by your own testimony? A No, only this lette r from Alberty; he was executive secretary at the time.
Q It will be necessary for you to make proof, in the absence of a copy of the decree of divorce, that there has been a decree, and that it has been lost or destroyed. Who was your attorney in the case?
A Mr. Gray; he is dead.
Q Had your wife been married before she married you--your present wife?
A No sir.
Q Have you and she lived together ever since your marriage up to the present time? A Yes sir.
Q Never have been separated? A No sir.
Q You were living together on the 1st of September, 1902, as husband and wife? A Yes sir.
Q You have lived in the Cherokee nation all the time since your marriage up to the present time? A Yes sir.
Q Are these children, Maggie, Lewis and George, Jr., all your children by your wife Hettie E.? A Yes sir.
Q All living? A Yes sir.
Q And have lived with you in the Cherokee nation all their lives, have they?
A Yes sir.

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Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sw orn to before me this November 12th, 1902.

B O Jones
Notary Public.

filed for record in my office the 3 day of March 1894, at 8 A M.,

and duly recorded in Book C, Marriage Record, Page 272

WITNESS my hand and seal of said Court at Muskogee, in said

Territory, this 3 day of March, A. D. 1894.

J. W. Phillips Clerk.

(Seal) By N. S. Young Deputy.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., 1

I, the undersigned, a Stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of application for enrollment of .....

as .....citizen..... of the Cherokee Nation.

.....

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. December 15, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

T. D. Rester
Chief Clerk Cherokee Division.

Sworn to and subscribed before me
this 15th day of December, 1902.

B. O. Jones
Notary Public.

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY,
~~Northern District.~~ } ss.
1st Judicial Division.

I, Joseph W. Phillips, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 3 day of March 1894, at 8 A M., and duly recorded in Book C, Marriage Record, Page 272

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 3 day of March, A. D. 1894.

J. W. Phillips Clerk.

(Seal) By N. S. Young Deputy.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., 1

I, the undersigned, a Stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of application for enrollment of .....

as .....citizen..... of the Cherokee Nation.

.....

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. December 15, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

Chief Clerk Cherokee Division.

Sworn to and subscribed before me
this 15th day of December, 1902.

B C Jones
Notary Public.

(17) Cherokee D-1090.

MARRIAGE LICENSE.

United States of America,
INDIAN TERRITORY,
~~Northern District~~
First Judicial Division. } ss. No. 206.

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between Mr. Thomas Downing, of Checotah, in the Indian Territory, aged 27 years, and Miss Hillie E. Abney, of Checotah, in the Indian Territory, aged 18 years, according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal ~~at Muskogee, Indian Territory,~~ this 24 day of Feb. A. D. 1894.

Jos. W. Phillips
Clerk of the U. S. Court.

(Seal)

By F. L. Phillips Deputy.

CERTIFICATE OF MARRIAGE.

United States of America,
INDIAN TERRITORY,
~~Northern District~~
First Judicial Division. } ss.

I, J. C. Nichols, Church first borne, a Minister of the ~~Gospel~~, Do ~~Hereby~~ Certify, that on the 28 day of 28 February, A. D. 1894., I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans of Matrimony between the parties therein named.

~~WITNESS my hand this~~ 1 ~~day of~~ March ~~A. D. 1894.~~

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, ~~Northern District, Book~~ First Judicial Division A, Page 263

I J. C. Nichols,
A Minister of the Gospel.

Cherokee D #1090

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Maggie, Lewis and George Downing, Jr., as citizens by blood of the Cherokee Nation:

D E C I S I O N

The record herein shows that on February 12, 1901, Thomas Downing appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of himself and minor children, Maggie, Lewis and George Downing, Jr., as citizens by blood of the Cherokee Nation. The said Thomas Downing is differently classified and is not embraced in this decision. Said application also included Hettie E. Downing, wife of the said Thomas Downing, who claims right to enrollment as a citizen by intermarriage of the Cherokee Nation but, the status of such persons not being fixed at this time, the said Hettie E. Downing is not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on October 30, 1902.

The evidence shows that the applicant, Maggie Downing, is duly identified on the 1896 census roll of the Cherokee Nation; that the applicants, Lewis and George Downing, Jr., are identified by birth affidavits made a part of the record herein; and that all of said applicants are the minor children of the said Thomas Downing, who is identified on the 1880 authenticated roll of the Cherokee Nation as a native Cherokee.

The evidence further shows that the said Thomas Downing has continuously resided in the Cherokee Nation all his life, and that all of said minor applicants have resided with their father since birth.

Ch. D 1090

It is, therefore, the opinion of this Commission that Maggie Downing, Lewis Downing and George Downing, Jr., should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this SEP 18 1900

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977
Bettie Mitchell	985
John J Harrison	993
Jasper N. Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E Hair	1090
Norman S Drake	1092
Susan Hogg	1094
David L Scott	1099
James C Taylor	1111
Roxie Shepard	1128
Robert G. Elgin	1136
William Hall	1137
Mary Ella Lattimore	1141
Maggie J. Keys	1149
Joseph M. Correll	1177
Jane Ratley	1225
George E. Norton	1234
Mahala D. Thompson	1247
Charles M. Trammel	1264
Flora Carlile	1265
William H. Norrid	1275
Olivia Benge	1276
Dollie Wilson	1278
Moses Bell	1279
Sarah Fleetwood	1290
Rosa E. Fargo	1299
William M. Oliver	1333
Andrew J. Couch	1340
Lina Hyles	1347
Mary M. Miller	1350
Mary E. Taylor	1368
Polly Ann Benge	1369
Margaret Moton	1385
Minnie McKinney	1390
Nettie Seabolt	1418
Lawrence G. Faulkner	1433
Sarah A. Holt	1449
Jennette Polecat	1492
Ellen Seabolt	1508
Charles W. Nettles	1509
Lena Sittingdown	1511
Tim Creeden	1513
Odie Pidcock	1517
Silas A. Saterfield	1529
Laura J. Jeremiah	1530
Etta Hicks	1540
Mary A. B. McKinney	1550
Millie Morton	1554
Andrew Walters	1573
John H Holder	1610
Mary M Burr	1612
Thomas E Bonham	1644
Florence Headrick	1663
Daisy B Brewer	1709
Annie Cordrey	1717
Adam Eckert	1722
Isaac Timmons	1726
Gent Gibson	1727
Amos Anderson	1731
William J. Mounts	1734
James D Alexander	1745
Willis E. Miles	1769
Lora Adair	1781
John Yarborough	1796
Lillie M. Dassler	1802
Bryant C. Redington	1804
Malisa A. Maxwell	1808
Richard Dukes	1811
Fannie Pettit	1816
Genevia Pool	1817
Mollie Crossland	1822
Lizzie Benge	1828
John H. Welty	1847
Edward P. White	1884
Lauren P. Green	1887
Charles Rosser	1898
Fay Adair	1913
Henrietta Irving	1920
Bird Trippard	1925
John C. Carlile	1937
John W Gilstrap	1954
Sarah Young	2018
Nancy A. Coleman	2049
James N. Whisenhunt	2118
Hiram Stephens	2157
Asa L Guinn	2159
Rebecca J. Flying	2172
Thomas J. Measles	2192
Julia Coody	2215
Sarah Crutchfield	2224
Henry E Lee	2251
Sarah Gritts	2256
John A Madden	2261
Henry C. Pennel	2271
Matilda S. Cleland	2302
Dona A. Frazier	2312
Laura B. Cordrey	2320

Lafayett D Kindred	2328
Pearl V. Sisson	2339
Nancy J Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
William T Jones	2501
Sarah L. Martin	2502
William J Shoemaker	2506
Maud Baldridge	2511
James L. Townsend	2513
George L Morgan	2568
Andrew A. Brown	2575
Louis K. Fair	2623
James L. Mitchell	2644
Martha E. McNair	2659
Millard F. Eggleson	2668
Elisha M. Gray	2686
Jessie M. Ballard	2694
Annie Mayes	2798
Belle Sixkiller	2809
James P. Riley	2825
William Broaddus	2854
William A. Martin	2865
Joseph Q. Buchanan	2888
Marcellus L. Baker	2905
Etta M. Hill	2915
John R. Smith	2922
Ira W. Wallen	2926
John B. Laurence	2959
Lula O. Hitchcock	2961
Bell L. Muskrat	2975
Eliza O'Field	2977
Margaret Suagee	2993
Winfield S. Nance	3007
Benjamin F. Kelley	3010
Mollie Daugherty	3039
Charles H. Leatherman	3043
Alice A. Edwards	3100
Dorinda Adair	3106
William R. Gray	3118
Dora B. Caulk	3143
Jesse M. Gallman	3161
Martha E. Garrett	3162
Artie E. Large	3164
Andrew A. Kelley	3191
Anna B Ryne	3193
Eliza Henderson	3198
David E. Jenkins	3212
Lizzie Falling	3233
Robert L. Payne	3252
William A J. Trotter	3257
Albert P Goforth	3298
Anna B Martin	3307
William Brown	3344
Jennie B Bluejacket	3345
William Little	3377
Julia M A Russell	3386
Andrew J Smith	3393
William N Blakemore	3396
Lizzie Denton	3417
Belle Hudson	3435
Thomas S Heady	3437
William M Roseborough	3444
Madison G Hawkins	3467
Japhat F Ellis	3491
Emma McAffrey	3543
William T Huitt	3570
Myra F. Chouteau	3580
Phillip Donohoo	3581
Fred L. Kelley	3593
Annie Herod	3594
Maggie V. Fields	3615
Lou Payne	3616
Frederick W. Strout	3692
Andrew L. McCamish	3713
Sarah Dirtthrower	3731
William P. Coble	3758
Robert L. Madison	3761
Mariah McDowell	3795
Elizabeth R. Thornton	3811
Donithan A. Wilson	3841
Charles F. Covey	3868
Tamsey M. Williams	3886
Mary J. Wolfe	3889
Lathan Lumbard	3891
Micajah P. Haynes	3897
Annie L. Wingfield	3903
Mary Fields	3907
William W. Dudley	3944
Minnie M. McLaughlin	3950
Henry B. Lindsey	3978
Wilbert H. Parkison	3999
Seth R. Hall	4011
Wiley Hanna	4016
Martha M. Woods	4093
Lizzie Gray	4117
Nancy C Carey	4131
Annie E. Kenney	4165
William H. Ward	4169
Nannie Brewer	4189

Nancy J. Kinney	4225
Sydney E Bell	4232
Isaac H. Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T Morrison	4294
Perley Israel	4295
William A Long	4304
Mollie Swannock	4319
Frances Guess	4324
Allen H. Gibson	4327
John McFall Jr	4343
Albert W. Fitzsimmons	4360
George S. Ford	4386
Quinn Carr	4387
William A. Powell	4390
Austin Hasley	4400
Anna Bible	4414
Elizabeth Riley	4428
John P. Sudderth	4449
Anderson Keen	4450
Ida M. Adams	4451
Martha J. Randall	4457
Mollie Conner	4477
Jane McGhee	4491
Jennie Riley	4525
Hannah Randall	4528
Charles W. Childers	4542
Nannie B. Riley	4543
John W. McDaniel	4544
Minnie Armstrong	4548
Ada Chouteau	4549
Mary Thompson	4571
Ota Armstrong	4593
Mary Spencer	4594
Clarkson F. Woody	4603
James M. McConnell	4604
Annie E. Coker	4605
Jennie Long	4606
Julia Gilstrap	4607
Laura E. Smith	4608
Annie Nicholas	4609
Minnie R. Taylor	4611
Mary E. Rogers	4614
Emma Downing	4615
William Steere	4619
Roxie J Ketchum	4623
Lizzie Love	4626
Robert K. Wann	4632
Frederick Metzner	4633
John C Bratcher	4634
Piqrow L Jones	4641
Ada Bertholf	4642
Alice Robbins	4644
Jane Dougherty	4649
Samuel Francis	4650
Clemon C Peek	4652
Mont C Frazier	4653
Frank J. Mayberry	4656
Charles W. Moore	4660
Jefferson D. Edmondson	4661
Alonzo H Boone	4662
Thomas C. Mock	4668
Sallie Allison	4669
Elizabeth E Burgess	4671
LaFayette Breeden	4673
James M Boling	4676
Francis A. Neilson	4681
John F Smith	4689
Rufus S Steward	4691
John L. Haddock	4694
Maggie O. Walkley	4695
George W. Talbert	4698
Mary Miller	4700
Henry C. White	4707
Mattie E Hill	4760
Alice A. Bible	4772
Katie Coker	4785
John Creek	4801
Ruby R Bean	4804
William J Dodson	4836
Blackburn Reed	4882
Viola Lowther	4891
William B Ritchson	4910
Henry D McDonald	4950
Della McDaniel	4956
Dorothy Rattlinggourd	4991
Ida McCay	5093
Henry M Lyon	5100
Alice J Wofford	5101
Nancy Morris	5137
Ella Sullivan	5140
Winfield Williams	5144
Bessie M Smith	5145
May Humphrey	5207
Donnie Burgess	5235

Nora B. Burgess	5236
John E. Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H Wells	5261
John T Gaylor	5266
Annie Sweeten	5269
Rosalee Hendricks	5278
Emma Chambers	5328
James H Thomas	5329
Melville B Baird	5332
James R. Goodall	5356
Charles Horton	5390
James W. Goddard	5417
Dora Cox	5425
Nannie G. Alberty	5438
Sallie Ward	5455
William H Sutherlin	5484
Lizzie Hall	5487
Cyrus B. Essex	5489
Eda Taylor	5493
Laura Taylor	5494
Elector D. Miller	5496
Emberson M Arnold	5498
Stella Henry	5499
William E. Oneal	5506
John M. Sharp	5509
John L. Davis	5514
Sarah E Downing	5518
Samantha C Glass	5524
Harry Jones	5525
Aggie Paris	5532
James W. Hallford	5535
Phoebe Coker	5537
Anthony K. Douglas	5538
Joseph H. Johnson	5541
Harvey O. Riggs	5547
Alice Glass	5553
Addison Reeves	5566
Alice Coats	5572
Julia Kidd	5575
William R. Greer	5576
Rosa M. Sixkiller	5581
Nancy Inlow	5587
Daisey H Owen	5599
Annie R C Owen	5600
Jesse McKnight	5602
Cicero J Strange	5610
Henry Westenhaver	5611
Emma H Roach	5612
William A. Polson	5613
Paulina P. Pitcher	5614
Charley Headrick	5615
William N Stinson	5616
Lenora A. Henry	5621
Effie M Adams	5622
John H Shimp	5624
Thomas B. Dickson	5625
Minnie Henry	5628
Thomas J. Simpson	5629
Cap L Lane	5630
Reuben E. DeLozier	5631
John Heape	5640
Perry G Brock	5645
Mary J. Newcomb	5650
George W. Seigel	5660
Martha A. Parks	5666
Zelda C. Mills	5674
Lizzie Rogers	5675
Emma Pigeon	5676
Nellie Bluejacket	5677
Lucy Bacon	5679
Thomas B. Wood	5681
Asa W. Simerson	5683
William J. Kuhn	5686
Elsie Couch	5688
William H. Robinson	5692
Rachel Washington	5693
Isaiah B Blackwood	5700
John R Johnson	5701
Dennis W. Smith	5702
William H. Chesnut	5705
William H Durham	5707
Albert B Buckmaster	5710
Maud Crutchfield	5730
Joseph S. Layne	5731
Lena Bell	5737
Juan N. Corn	5748
Robert N Crafton	5750
Benjamin F Coffee	5756
Frank McSpadden	5760
Charles D. Pendleton	5775
Harden H. Green	5776
Emma J Ward	5778
Robert C. Fuller	5781
Henry F Extine	5796
Ida Wyly	5802
Richard L. Fite	5815
Edward Lutz	5816
John F. Woodworth	5829

Horace H. Huddlestun	5832
William R. Sartain	5837
Joseph A. Lawrence	5843
William H. Hinton	5846
Joseph Lehr	5851
Euin M. Young	5852
Mary C. Barnes	5853
Matilda Thompson	5861
William W. Young	5872
Earley F. Ellis	5874
Rosa B. Alberty	5877
Sarah Cannon	5879
Mamie Beck	5887
Jack H. Merchant	5888
John D. Merchant	5889
Sarah E. Ghormley	5894
Jerry Young	5906
James H. Brickey	5916
Mary Hicks	5919
George W. Weems	5922
Albert Crain	5923
James M. Jones	5932
Alfred W. Shelly	5935
John M. Stratton	5936
Waddie Hudson	5937
Robert C. Johnson	5939
Mary T. Thompson	5941
Edith A. Parris	5943
Addie Hubbard	5949
John A. Lowry	5962
John R. W. Brantley	5963
James T. Carroll	5964
Christopher F. Jordan	5965
Minerva E. Stover	5966
John W. Twilley	5967
Joseph W. Mounce	5970
Cornelius P. Potter	5971
Amanda C. Thompson	5972
John M. Rusk	5976
Harrison L. Hughes	5978
Silas B. Dildine	5983
Lewis M. Payne	5985
Nancy Beamer	5988
Sarah F. Selvidge	6002
Posy F. Buckner	6005
John A. Moreland	6010
Alice Welch	6015
Mary C. Thompson	6022
Ida Beck	6029
William R. Tittle	6030
George C. Duffield	6031
Amelia Reese	6033
Alexander West	6036
John Tootle	6037
Florence G. Langley	6038
John T. Ham	6042
Mary L. Jordan	6048
John W. Bradshaw	6076
James L. Dean	6079
Amanda J. Thompson	6082
Malissa Hubbard	6089
Jane Benge	6111
John D. Ryals	6113
John C. DeLozier	6117
Jessie Willis	6118
Mary A. Clark	6124
Mary J. Tipton	6126
Leander Newton	6136
William A. Qualls	6138
Henderson B. Thomas	6144
Hugh T. Watkins	6163
Nancy Keys	6172
Berry Hutchins	6186
Eli Parker	6189
Sarah E. Shaw	6194
Julia Keys	6211
Boon J. Grey	6214
John Grubb	6216
William M. Costephens	6230
Jane Bean	6232
Lillie I. Taylor	6236
Abbie B. Adair	6239
Mack C. Watkins	6246
Robert W. Murray	6261
John G. Petty	6269
Lucinda Poorboy	6279
Sarah Mayes	6286
Henry W. Pyeatt	6300
Isaac A. Wilson	6308
John T. Hall	6310
Edward L. King	6315
Katie Still	6325
Emmer Carlile	6338
Bird Webster	6347
Fannie Morris	6353
Leonard Lee	6357
James R. Miller	6362
James Brackett	6370
Nora Allen	6371
John T. Washington	6373

James J. Snider	6375
William H. Winget	6376
Ida R. Wilkerson	6383
George A. McBride	6385
Matilda Cookson	6387
William A. Fisk	6392
William O. Ames	6394
Thomas Wilkerson	6396
Alice C. Springston	6407
Fanny N. Witt	6413
Lillie M. Adair	6424
Mark F. Matheson	6428
Ida L. Wilson	6431
George E. Marrs	6441
Ulysses S. Reeves	6443
Daniel A. Smith	6447
Henry J. Dawson	6450
Sarah Adair	6452
Ida F. Wilson	6455
Mary E. Taylor	6459
Catherine Henson	6468
Charles C. Fitzsimmons	6471
Mary E. Campbell	6476
Columbus N. Long	6478
Mary Wilkerson	6480
Myrtle Ward	6484
Belle Manus	6499
Martha E. McLain	6508
Mary A. Brown	6517
Marion M. Ballew	6530
Mellie Mayfield	6540
Sarah Blevins	6541
Frank Powell	6542
Georgia Jackson	6546
Leonard S. Simpson	6549
Almira Ussrey	6560
James McInerney	6561
Fannie Carlile	6578
Sadie A. Mayfield	6580
Silas A. Bryan	6581
William S. Martin	6585
Emma J. Thompson	6589
Lydia McDaniel	6593
David W. Lamb	6595
Gus R. Hart	6603
Poca Phillips	6632
Lois E. Daniel	6678
William W. Turner	6689
Lillie B. Blackstone	6714
Mary Lillard	6715
James L. Lee	6717
Rosa Phillips	6723
Kate Brown	6735
Laura B. Barnett	6743
Elizabeth Sanders	6745
William T. Neff	6747
William R. Scott	6751
Laura Fish	6770
Maggie Ketcher	6779
Dora A. McDonald	6783
Rosia B. Willis	6785
Daniel Hubbard	6787
Mary R. Tadpole	6801
Magnus A. McSpadden	6811
Sarah F. Pathkiller	6824
Clora Twist	6845
Mattie M. Welch	6846
Cora Griffin	6850
John S. Hyatt	6853
Jefferson K. Tyner	6855
Flora R. Miller	6859
Lizzie Craig	6872
Jacob C. Johnson	6876
George W. Ware	6897
James B. Deatherage	6901
Lucinda F. Hartness	6943
Frances E. Tehee	6961
James M. Burt	6965
Rady Tipton	6975
Laura Hendricks	6976
Laura V. Smith	6979
Lorenzo C. Darnell	6988
Robert M. Mitchell	7004
William Henry Reeve	7005
James Pyle	7009
Willie Hilderbrand	7015
Alice M. Roberson	7031
Charles Morris	7043
Minerva J. Trent	7051
John H. Keith	7078
Katie E. Ratley	7080
Etta Patrick	7081
Nannie Martin	7090
Rosa B. Harris	7094
Samuel Brown	7100
William H. Turner	7101
Florence Mayes	7104
Maggie McCoy	7112
Mary Belle Cordry	7113
Benjamin Haner	7119

James Maher	7128
Terry A Parkinson	7146
Cora L. Hanks	7147
Otto J Zufall	7149
Rufus M Norman	7155
Mary F. Foreman	7158
Alma West	7159
James M. Connally	7161
Francis M. Crowell	7163
Fannie E McClure	7171
Benjamin B. Graham	7176
Ada Phariss	7180
William L. Whisenhunt	7184
Frances B Perry	7191
Philip Shultz	7210
Hester A. Miller	7212
Minnie B Edmonds	7213
Eliza Jordan	7217
William T. Ross	7218
Thomas M. Price	7225
James G. Wilson	7231
Frank Rhomar	7263
John W Thompson	7267
Melissa Booth	7271
Solon L Jackson	7273
Henry W Coughran	7282
Sarah Ross	7291
Mary S Smith	7322
John A Martin	7323
Myrtle Robinson	7330
Allen L Buckner	7331
James L Goad	7350
Elijah Johnson	7351
Mary E Kimbrough	7360
Jennie Burr	7367
Kiasay Sapsucker	7378
Sarah J. Johnson	7394
William I Branan	7409
Wyatte T. Brady	7412
Lena O. Holderman	7413
Mary F. Hummingbird	7420
Bertha A. Allen	7425
Robert J. Tyner	7426
Fannie B. Martin	7434
Myrtle Wolfe	7435
Mary Blevins	7479
Sarah Ketcher	7488
Charles D. England	7512
May Cochran	7544
Rebecca Oglesby	7549
Robert B Collins	7556
Nancy I. Brown	7579
Mary B Walkingstick	7642
Robert T Kelleam	7653
Mollie Morton	7797
Mattie Girty	8006
Mack Alfred	8015
Ida Harmon	8016
Ida McCoy	8417
Rosie Foreman	8903
Annie Jackson	9034
Margaret T. Langley	9092
Ida M. Davis	9266
Nora Crapo	9289
Margaret Harmon	9378
Mary B. Langley	9438
Ella Gravitt	9439
William M. Wilson	9444
David O. Scott	9446
Harriett Forbes	9447
John Carver	9449
Thomas J. Davis	9451
Clara M. Boudinot	9453
Mary E. Keys	9454
John G. Ainsworth	9456
Mary J. Christy	9460
Malinda Seabolt	9462
Mary Cumpton	9464
Mollie P. Mulkey	9465
Andrew Brimmer	9467
James F. Flippin	9471
William Bird	9473
Mollie C. Forbes	9476
William H. Thomason	9478
Mollie Devine	9481
Mary P. Guthrie	9482
Detlev N. Leerskov	9484
Nannie Cowart	9485
Leona Catcher	9489
Alexander B Clapp	9502
Tennie Sanders	9503
Virgil A Wiltshire	9505
Joshua K Carr	9510
Herbert Kneeland	9518
Hugh E. Hope	9519
Thomas J. Ritter	9522
Martha Baldridge	9529
James R Poindexter	9535
Maud Foreman	9539
Belle Bryant	9542

Joseph P. Smith	9550
George E. Watkins	9552
Florence Henry	9553
Jesse H. Johnson	9560
Lydia B. Barger	9561
Mary Jane Thomas	9562
James F. Petty	9563
Laura McCrary	9566
Joel D. Smith	9568
William T. Cave	9572
William Bugher	9577
James M. Smith	9582
John E. Nazworthy	9583
Beverly L. Lafon	9587
Robert L. Gentry	9590
John C. Barker	9591
John P. Greenwood	9593
Henry Hayes	9596
Ella Cornwell	9598
Asa A. Hedrick	9599
William C. M. Robinson	9600
Woodrow Hadley	9612
William T. Gregory	9613
Charles M. Keys	9616
Bate O. Reed	9618
Joseph E. Feland	9623
Florence C. Smith	9625
Charles M. Cox	9630
Otis S. Skidmore	9634
William H. Hundley	9635
Thomas A. McDonald	9636
Annie Sanders	9638
Mack H. Martin	9640
Mary Ward	9653
George Givens	9658
Pheney Poorboy	9660
Charley Kiper	9671
Andrew J. Snider	9672
William T. Barton	9684
Daniel Crail	9770
Mary M. Motte	9771
Lecia E. Herrin	9854
Gailen E. Carrick	9855
Rosa B. Barger	9857
Rachel Foreman	9858
Serepta C. Willis	9861
Virgie Seabolt	9864
Annie Cannon	9867
Isabella McCoy	9874
Robert E. Dry	9875
William G. Brown	9879
John B. Delay	9881
Pairlee Thompson	9882
Guenther W. Werther	9883
Margaret Crittenden	9884
Moses L. Morris	9889
Sarah L Rogers	9891
Stephen Duncan	9892
Gideon D. Sleeper	9895
William A. Maddin	9896
John H. Horton	9904
Howe L. Rogers	9905
William Rush	9912
George W. Edens	9916
William H. Hall	9920
Edith B. Pheasant	9935
Carrie A. Collins	9936
Lucinda Spriggs	9937
Ella F. Hail	9939
John W. Harris	9949
Hannah Raper	9942
John J. Coughran	9945
Youra F. Waybourn	9946
Louisa J. Taylor	9947
William M. Evans	9948
William F. Pierce	9940
May F. Chambers	9950
Albert Stevenson	9954
Henry Kiefer	9955
Sarah Bean	9956
Zeno M. Cox	9964
Jerusha E. Blair	9965
Elias Kyle	9991
Ida Cushman	9992
James W. Fleming	9994
Samuel Holmes	9995
Walter H. Talley	9997
Hannah J. Miller	9998
Clara V. Ward	10002
Stephen W Pittsenberger	10005
Mary E. Palmour	10008
William T. Partin	10011
Nellie Fields	10013
Sarah A. Dawes	10015
Willard E. Hutchins	10016
Jesse Talbert	10020
Julia E. Setser	10021
Amanda E. Howell	10022
Mamie J. Rogers	10023
Nannie Rogers	10024

James B. Bradshaw	10025
Ida L. White	10026
Addie B. Miller	10027
William R. Condry	10028
James D. Canary	10029
John Kelley	10031
Kate Craig	10033
John A. Butts	10034
John J. Dameron	10035
William Warner	10036
George A. Allen	10037
Watie Shetley	10038
John E. Carter	10039
John M. Boyd	10043
William Fister	10047
Darius B. Troth	10049
Harry A. Kelley	10050
Mary E. Purcell	10051
Myron L. Bronson	10052
George W. Taylor	10053
Josie Lowther	10054
Fannie D. Perry	10055
Minnie B. Williams	10056
Solomon Copeland	10058
Etha B. Wood	10059
James Pace	10060
Wiley B. McElhaney	10062
Nancy Patrick	10063
James R. Stout	10072
George Parker	10073
Laura Morton	10074
John D. Kelly	10075
Nettie Swift	10078
Maggie Baldridge	10079
David R. Stubblefield	10080
Thomas J. C. Thompson	10081
Cora P. Harlan	10082
William L. Singleton	10083
Lester Evans	10084
Ellen Mayfield	10085
Ella Bray	10087
David J. Matthews	10094
Thomas Brown	10100
Houston J. Payne	10103
Malinda E. Scudder	10104
Henry Odell	10105
Fred Macy	10107
Mary Russell	10108
Thomas B. Brown	10109
Samuel L. Milligan	10111
Millie A. Carnes	10113
Lucy E. Robards	10114
Edward H. Fitzgerald	10115
John T. Pickard	10117
Charles Rains	10118
Nancy Mayfield	10123
Anna B. Tittle	10124
Richard A. Clark	10126
Emma B. Martin	10128
Walter L. Bates	10129
Nellie Brewer	10130
William Heffernan	10131
Levi Ackley	10132
Bessie Davis	10133
Eva Brackett	10135
Caleba Carnes	10136
Jacksie M. Waybourn	10138
Minnie Shutt	10139
Charles L. McClure	10140
William W. Russell	10141
Delia Jenkins	10142
John A. Hood	10143
Oba Maxfield	10145
Mary L. Cloud	10146
Callie Inlow	10147
Everett M. Lowrence	10148
Dora E. Hays	10150
Julia M. Schrimsher	10151
Parmelia E. Lyman	10153
Charles F. Trickey	10161
Louisa J. Palmour	10169
George L. Walker	10170
Annie Taylor	10171
Josie Winters Hall	10174
Alice Nichols	10181
Lizzie Dry	10182
Emma Murray	10183
Annie Winton	10187
Marian Evans	10188
Elizabeth J. McClain	10192
Eliza J. Price	10199
Rissie Still	10200
Hannah E. Langley	10201
Alma Keith	10203
Flora A. Terrill	10204
Talesphora A. Paradee	10205
Samuel Shadix	10206
Mary E. Childers	10207
Robert M. Hamilton	10208
Julia Billingslea	10209

Nannie Martin		10210
Sarah A. Fields		10214
Susie Henderson		10216
Charles H Rienhardt		10218
William H Watkins		10221
Frank M. Rucker		10222
Henry C. Reed		10224
Laura B. Timberlake		10226
George A. Brown		10228
Drucilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M. Cooter	D	17
Martin L. Stokes	D	28
Peter Walters	D	44
Columbus M. Reeves	D	58
Sarah Barnes	D	103
George T. Kiddy	D	108
Henry C. Agent	D	139
Joseph Phipps	D	147
Henry Hilton	D	149
David A. McGlamery	D	161
Maggie Doublehead	D	169
Annie Lovett	D	180
Nora Hood	D	184
John A. Johnson	D	232
Nathaniel G. Simpson	D	242
Oncico W. Head	D	244
Etta Taylor	D	245
Susan V. Sullivan	D	262
Levi H. Tackett	D	263
William H. Connelley	D	264
Julia A. Sullivan	D	284
May Fields	D	297
Katie Hummingbird	D	308
William F. Sager	D	320
Lovick P. Garrison	D	334
Henry Grubb	D	338
Lucy F. Lacey	D	340
Callie Blevins	D	341
James S. Alfrey	D	355
Shadrack C. Wallen	D	368
Ada Hall	D	376
Jane M. Hicks	D	396
Fannie L. Dupree	D	403
Willis Battles, Jr.	D	404
Joshua W. Ellis	D	413
Nina B. Owen	D	450
John M. Ridenour	D	458
Emery S. Thompson	D	464
Joseph Reed	D	468
Adolphus J. Hallum	D	483
Alexander Walker	D	490
Albert J. High	D	491
America Matoy	D	501
Moses L. Grazier	D	503
Myrtle Hall	D	509
Wallace Thursday	D	544
Thomas W. Baker	D	546
Mattie E. Keys	D	550
William S Edwards	D	560
Susan L. Reed	D	572
William H. Lyman	D	574
Gracia Davis	D	577
Edward C. Bolen	D	582
Dora Guthrie	D	585
Samuel H. Hawkins	D	594
Lula M. Purcell	D	600
Ben Estes	D	603
Thomas M. Reynolds	D	621
Arthur Dodge	D	622
Carrie L. McNair	D	624
Constantine N. Walker	D	641
Joseph Davis	D	648
Leander A. Keys	D	650
James J. Barndollar	D	655
Nathan J. Brink	D	682
William S. Miles	D	688
Emma Waybourn	D	698
Dora E. Rogers	D	708
James W. Turley	D	709
Lizzie Ward	D	711
Robert J. Holly	D	713
Belle I. Quinton	D	728
Francis M. Boothe	D	734
Amos W. Lord	D	746
Agnes N. Childers	D	749
John E. Renfrow	D	752
William Coon	D	759
Louis Bruere	D	779
Georgia A. Waybourn	D	786
Eliza Fields	D	787
William H. Brown	D	788
William A. Cox	D	793
Charles A. Robison	D	799
Artha Williams	D	800
Adam Gearhart	D	806
Cicero F. Rogers	D	855
Annie Garrett	D	856
George S. Yarborough	D	875

Rhoda A. Sanders	D	878
Manuel Spencer	D	884
Benjamin H. Hulbert	D	891
Mary Brassfield	D	935
James L. Tindle	D	944
Silas G. Reneckar	D	966
Eliza Wofford	D	967
Jasper L. Newton	D	971
John N. Guinn	D	974
Hannah Parson	D	989
Nellie C. Helterbrand	D	1003
Thomas J. Welch, Jr.	D	1006
Lizzie Christian	D	1010
George Hazlewood	D	1013
James M. Jones	D	1022
Reuben A. Evans	D	1032
Carrie H. Cobb	D	1049
John M. Burns	D	1069
Sarah E. Henson	D	1083
Laura D. Henson	D	1086
Hettie E. Downing	D	1090
Benjamin F. Crain	D	1099
Benjamin Strickler	D	1129
Nancy Spaniard	D	1130
Annie Wilson	D	1131
Ora H. Maxwell	D	1135
Reuben W. Moore	D	1136
Cora Childs	D	1146
Janie Hughes	D	1179
Francis B. Reid	D	1180
Martha Carey	D	1195
Christina Johnson	D	1199
Louvenia Ironside	D	1208
Martha J. Henson	D	1218
David A. Martin	D	1228
Fred D. McEnery	D	1235
Nathaniel R. Martin	D	1261
James H. Requa	D	1266
Frank Carver	D	1267
Etta B. Payne	D	1270
Mary Garrett	D	1271
Joe W. Goodman	D	1272
Mathew J. Flanigan	D	1274
Lizzie C. Holland	D	1285
Etta Downing	D	1291
William Caywood	D	1296
Clarence W. Turner	D	1307
Alfred Chaney	D	1313
Euphemia Sweetwater	D	1314
Etta Russell	D	1319
Ella Vann	D	1320
Linnie Wofford	D	1330
Minnie Downing	D	1332
Katie Rider	D	1334
Samuel G. Mills	D	1337
Alfred H. Woods	D	1342
Cynthia Whitekiller	D	1352
Susie McSpadden	D	1361
Martha J. Houston	D	1363
Samuel M. Collier	D	1367
Katy Payne	D	1369
Joseph H. Warren	D	1375
Mattie Miller	D	1433
S. F. Moore	D	1434
Addie Schrimsher	D	1448
Fannie Vann	D	1458
Marcella Blakeney	D	1474
G. W. Williamson	D	1555
C. F. Walker	D	1558
Louisa Blevins	D	1567
Frank Cowles	D	1581
Mary Francis Madding	D	1637
Thomas Rodman	D	1661
Katie Still	D	1866
Ira Creach	D	1913
D. A. Mounts	D	1967
J. C. Sefton	D	1991
Jennie Holland	D	2024
Lou Sanders	D	2216
Caroline Barnes	D	2591
Lacey Crane	D	2592
Daisy Cash	D	2595
Hiram A. Landers	D	2599
Charles Neel	D	2603
Mattie Robinson	D	2605
Jennie Rich	D	2606
Alexander C. Russell	D	2607
Pricilla Ross	D	2608
Tom W. Reeves	D	2609
Mary Smart	D	2612
Rufus Tidmore	D	2613
Jasper Turquitt	D	2614
Mabel West	D	2618
Ophelia West	D	2619
Cora Whisenhunt	D	2620
Katy Martin	D	2667
Willis Butler	D	2686
Claud Barger	D	2687
Disie Conner	D	2698
John Culwell	D	2699

Herbert F. Couch	D	2700
Albert C. Dykes	D	2703
Delora Drew	D	2704
Frank F. Danderson	D	2705
James Gafford	D	2708
Anna L. Harlin	D	2715
William R. Lipsey	D	2717
Bertha Landrum	D	2718
Lila More	D	2722
John D. Mathews	D	2723
Mary McIntosh	D	2725
Bertha Nidiffer	D	2730
Richard Nichols	D	2731
William S. Ross	D	2738
Irene Riley	D	2739
William H. Rowley	D	2740
Colombus C. Scroggins	D	2741
Della Summers	D	2743
William S. Sage	D	2744
Eliza Thomas	D	2748
John P. Thurman	D	2749
Mary E. Davis	D	2770
Jessie Frick	D	2774
Enna Buffington	D	2788
Will Black	D	2789
Maggie E. Davis	D	2792
Thomas Dotts	D	2793
William Daws	D	2794
Nancy Dawson	D	2796
Lena Fields	D	2797
Effie Grayham	D	2798
Alice C. Hill	D	2799
Bertha H. Harlin	D	2800
Margrett C. Hudson	D	2801
Joseph A. Kelley	D	2803
Andrew O. Kepler	D	2804
Josephine King	D	2805
Sarah Jane Birdsong	D	2806
Marion Maddox	D	2807
John A. McKenzie	D	2808
Ione McGee	D	2809
Ollie Miller	D	2810
William A. Martin	D	2811
Jesse P. Morrow	D	2812
Oliver Mason	D	2813
Edna Whitehead	D	2814
Charley Nuckolls	D	2815
Etta M. Nidiffer	D	2817
Louizer Ossowee	D	2818
William H. Patterson	D	2820
Samuel A. Parkhurst	D	2821
Ellen Rogers	D	2822
Elijah Rolland	D	2827
Endora Steele	D	2828
William M. Stucker	D	2829
Sallie Tauuneacie	D	2831
Mary Tassle	D	2832
John F. Wolf	D	2835
Ruth A. Ward	D	2840
Winnie Daugherty	D	2884
Mary Guthrie	D	2885
Lydia Long	D	2886
Edda Roberts	D	2887
Manda Ward	D	2889
Elmira J. Alberty	D	2905
Thomas C. Cordray	D	2906
Edward Fowler	D	2907
Dora Foreman	D	2908
Parker Holt	D	2909
John Haston	D	2910
Georgie Harlin	D	2911
Percillia Johnson	D	2913
Bettie Morton	D	2915
Samantha Spade	D	2917
Mariah Ward	D	2918
Ellen Watt	D	2919
Nora Morten	D	2920
Lizzie Anderson	D	2981
Francis Duval	D	2984
Wade S. Hayes	D	2987
James A. Hankins	D	2988
Joseph Hardee	D	2991
Tennie Horn	D	2992
Eveline Hall	D	2993
John E. Leftwich	D	2995
Mattie Henson	D	2994
John D. Colvard	D	2998
Charles W. Phillips	D	2999
Sarah Shanks	D	3000
Nettie Young	D	3009
Jerry P. Ables	D	3048
Almedie Ross	D	3052
John S. J. Fowler	D	3055
Leaner Hood	D	3056
James D. Jackson	D	3057
Emma G. Nelson	D	3058
Alice Simco	D	3059
George O. Wallace	D	3060
Fannie Clay	D	3078
Ellen Drew	D	3079

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

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Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

41 D1090

FILED
FEB 28 1902

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
Cherokee D-109e

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 28, 1902.

Mr. Thomas R. Downing,

Texana, Indian Territory,

Sir:-

You are hereby notified that the application of your wife Hettie E., and three minor children

for enrollment as citizens of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 19 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application, that you may deem necessary.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with a certified copy of decree of divorce from your former wife Mariah.

Register.

Yours truly,

Acting Chairman.
Commissioner in Charge.

Cherokee-D-1090

Muskogee, Indian Territory, June 4, 1902.

Mrs. Hettie E. Downing,

Texana, Indian territory.

Madam:

In the matter of the application made for your enrollment as a citizen by intermarriage of the Cherokee Nation, you are advised that on February 28, 1902, your husband, Thomas Downing, was notified by registered letter to supply the Commission with a certified copy of the decree of divorce from his former wife, Mariah. Receipt has been acknowledged of said letter, but the certified copy of said decree of divorce has not been filed with this Commission. In order to a proper determination of the application made for your enrollment, it is necessary that a certified copy of said decree of divorce be filed with the Commission, and you are now required to file said copy.

You will be allowed until June 25, 1902 to comply with this requirement.

Yours truly,

Acting Chairman.

Register.

Chero. D-1090.

Muskogee, Indian Territory, June 30, 1902.

Hettie E. Downing,

Texanna, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 23rd inst. relative to your application for enrollment as a citizen of the Cherokee Nation.

In reply you are advised that under date of June 4, 1902, you were notified by registered letter to furnish the Commission with a certified copy of the decree of divorce of your husband from his former wife Maria.

You are further advised that you will be allowed thirty days from the 25th day of June, 1902, in which to furnish the Commission with the evidence desired.

Yours truly,

Commissioner in Charge.

Register.

mdf

COMMISSIONERS
TAMS BIXBY,
THOMAS B NEEDLES
C R BRECKINRIDGE
W E STANLEY

ALLISON L AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1090.

ADDRESS ALL LETTERS TO THE COMMISSION

Muskogee, Indian Territory, September 22, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of Thomas Downing for the enrollment of his three minor children, Maggie, Lewis and George Downing, Jr., as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Chairman.

Enc. D-12

Cherokee D-1090

Muskogee, Indian Territory, October 12, 1903.

Thomas Downing,

Texanna, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting your application for the enrollment of your minor children, Maggie, Lewis and George Downing Jr., as citizens by blood of the Cherokee Nation.

Respectfully,

Tams Bixby

Chairman.

Enc. D-83

Register.

Cher. R 1090

Muskogee, Indian Territory, January 10, 1907.

Hettie B. Downing,
Taxanna, Indian Territory.

Dear Madam :

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

Cherokee D1090

Muskogee, Indian Territory, March 14, 1907.

Hettie E. Downing,

Texanna, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

RPI

Commissioner

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-100
LMC



1090

IN THE MATTER OF THE APPLICATION OF

Hellen E. Downing et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

White Woman —

Cher D 1091

Cher D 1091

AD 1091

DEPARTMENT OF THE INT...
CO... TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 13 1901

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes
Muskogee, I. T. 13th 1901.

In the matter of the application of Sarah Jane Martin for enrollment as a Cherokee citizen; she being first duly sworn before Commissioner C. R Breckinridge, testified as follows:

Q What is your name? A. Sarah Jane Martin.
Q How old are you? A. 45.
Q What is your post office ? A. Vian.
Q In what district do you live? A. Illinois.
Q Who do you want to have enrolled, yourself and family? A. Just myself
Q Are you a Cherokee by blood ? A. No sir.
Q White woman? A. Yes sir.
Q When were you married? A. In 1870.
Q To whom? A. Andrew J. Martin.
Q Is he alive? A. He is dead.
Q Was he a Cherokee by blood? A. Yes sir.
Q When did he die? A. He died three years ago the 5th of next April.
Q Did you and he live together from the time of your marriage until his death? A. Yes sir.
Q And all the time in the Cherokee Nation? A. No sir.
Q,Where? A. In Arkansas part of the time and in the Cherokee Nation the balance of the time——been in the Nation 32 or 3 years I dont know which
Q Did you come to the Nation before 1889? A. I guess so.
Q Have you lived in the CherokeeNation ever since 32 or 3 years ago? A. Yes sir.
Q In what district have you live all that time? A. In Sequoyah and Illinois
Q Where were you in 1880? A. In Illinois district.
Q Where were you four years ago? A. In Illinois district.
Q Did you and your husband have any children? A. Yes sir.
Q How many? A. Only one that lived
Q Is that child living now? A. Yes sir.
Q What is her name? A. Victoria Keith
Q Did this child come with you and your husband when you came to the Cherokee Nation 32 or 3 years ago? A. Yes sir.
Q How old is she now? A. About 20.
Q Were you ever admitted to citizenship by the Cherokee Commission or Council? A. No sir I wasn't.
Q Your daughter Mattie is older than Victoria is she? A. Yes sir.
Q You haven't a marriage license and certificate showing your marriage to your husband? A. No sir
Q Have you some one here who knows that you and your husband were married
A Yes sir.
Q Were you ever married except to this husband? A. No sir.
Q Was he ever married except to you? A. Yes sir.
Q Is his first wife dead? A. Yes sir.
Q What is thename of his first wife? A. Sarah Oeniken.
Q Where did he marry her? A. Mississippi.
Q When did she die? A. I dont Know.
Q You dont know how long she had been dead when he married you? A. No sir
Q Where did she die? A. Mississippi I reckon.
Q What reason have you to know that she was dead when he married you? A. He said so.
Q Is your daughter here? A. No sir.
Q Is her husband here? A Yes sir

JOHN H. KEITH, being called and sworn as a witness, testified as follows-

Q What is your name? A. John H. Keith.
Q How old are you? A. 44.
Q What is your post office? A. Vian.
Q Are you married to the daughter of this applicant? A. Yes sir

Q What is her name? A. Victoria.
Q Did you know your wife's father? A. Yes sir.
Q Did you know that he and this lady here lived together as Mr. and wife?
A Yes sir.
Q Did you ever hear of your wife's father having been married except to this wife? A No sir except what one said.
Q What was the family understanding about that--- that the first wife was dead before he married this wife? A. Yes sir.
Q Where is she said to have died? A. In Mississippi.

EXAMINATION OF THE APPLICANT CONTINUED BY THE COMMISSION:

Q Where did your husband live in Mississippi before he came west? A. In Choctaw and Holmes Counties.
Q Were there any children of this first marriage? A. Yes sir one.
Q Is that child living? A. Yes sir at Vian.
Q What is that childs name? A. Mattie Martin.
Q Is her name Martin at this time? A. No sir, Sanders.
Q What is the name of her husband? A. Robert Sanders.

The list of admitted citizens of the Cherokee Nation in the possession of the Commission, a printed list, shows that on October 5th 1888 one A. J. Martin was admitted to citizenship by the Cherokee Commission on citizenship, and now an official certificate drawn from page #7078, the same being the page of John H. Keith for the enrollment of himself, wife and child, shows that on the 5th of October, 1888, A. J. Martin was admitted to citizenship by the Cherokee Commission on citizenship and among others, his daughter Mattie, age at that time thirty years, and also Victoria, age at that time sixteen years.

Q Now Madame, these are the names of your husband and these two children Mattie being a daughter by the first wife and Victoria being your daughter?
A Yes sir.

This is recognized as official evidence of the facts stated and the document is returned to its proper file.

By W. W. Hastings, Cherokee Representative-

Q You were never married except to your husband in 1870-that was the only time? A. Yes sir.

The 1896 census roll of the Cherokee Nation examined and on page 953, #1387 thereof appears the name of Sarah J. Martin in Illinois district, with a note following " Non citizen does not apply" (By Com'r Breckinridge:-" This is a current note made in the course of this enrollment, and is supposed to represent the refusal of the applicant at the time stated to apply for her own enrollment, and does not indicate any decision as to her lawful status. ") On page 880, #1183 thereof appears the name of Andrew J. Martin, in Illinois district.

BY THE COMMISSION-
Q. Mrs. Martin, did you decline in the early days of this enrollment to apply for your own enrollment? A. Yes sir I went before the Dawes Commission at Salliesaw.
Q What for? A. To get on the rolls.
Q There appears to be a note made that you declined to apply for yourself
A I did though, just for myself, told them there was no one else.
Q It looks then as though there was some mistake made? A. Yes sir.

By W. W. Hastings-

Q In discussing it with the Commission didn't you finally decide that you would not apply? A. No sir I just went on and sat down at the table and they talked to me.

By the Commission -

Q You have never married since your husband's death? A. No sir.

By Com'r Breckinridge.-

It is shown by a certificate of admission cited in the testimony that the applicant's husband was admitted to citizenship with two of his children, by the Cherokee Commission on citizenship on October 5th 1888. She states that she and her husband have lived in the Cherokee Nation since prior to 1880 to the time of his death some three years ago. She is identified with her husband on the roll of 1896. She states that she and her husband lived together from the time of their marriage in 1870 until his death; that she was never previously married; that her husband was once previously married, and that his first wife was dead before his marriage to her, the applicant. It appears from the testimony that one of the children admitted is the child of the former wife and the other the child of the applicant. It is considered well established by personal testimony and as set forth in the evidence that the applicant and her husband were duly married and that she has never married since the death of her husband. She is not mentioned in the certificate of admission with her husband, and it is contended by the Cherokee representatives that unless the wife is mentioned in such a case she is not entitled to enrollment. In this case the applicant is a white woman. She will be listed for enrollment as a Cherokee by adoption on a doubtful card for the further consideration of the contention made by the Representatives of the Cherokee Nation.

SUPPLEMENTAL QUESTIONS ASKED OF APPLICANT BY W.W.HASTINGS:-

Q My attention has been called to the fact that perhaps your husband went by another name other than Martin? A. No sir he always went by the name of Martin.
Q You have known him for thirty years? A. Yes sir.
Q And he has gone by that name ever since? A. Yes sir.
Q As far as you know he has never had any other name but that? A. No sir.

* *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Chas von Weise

Subscribed and sworn to before me this the 14th of February, 1901.

Commissioner.

RECEIVED
COMMISSIONER OF INDIAN AFFAIRS
FILED
MAR 25 1902

D. 1881.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 19, 1902.

In the matter of the application of Sarah J. Martin for the enrollment of herself as a citizen of the Cherokee Nation.

Applicant present in person.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter February 28, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this day, to wit the 19th day of March, 1902, appears in person.

SARAH J. MARTIN, the applicant, being first duly sworn, testified as follows:

COMMISSION: What is your name? A Sarah J. Martin.
Q How old are you? A I will be forty-seven years old the last day of July.
Q What is your postoffice address? A Vian.
Q You have heretofore applied to this Commission for enrollment as a citizen of the Cherokee Nation? A Yes, sir.
Q You were requested on the 28th day of February, 1902, to furnish the Commission with evidence of your marriage; have you that evidence with you? A I have got all the evidence I could furnish. (Hands papers to Commission.)
Q What was your husband's name? A Andrew Jackson Martin.

There is offered in evidence a certificate from S. B. Dobbs, Circuit Clerk Choctaw County, State of Mississippi, bearing date of September 13, 1900, certifying that the marriage records of said county were destroyed by fire on or about the first day of February, 1881.

There is also offered in evidence a widow's certificate, signed by H. L. Means, Worshipful Master, and J. B. Mogridge, Secretary, certifying that Sarah Jane Martin is the widow of A. J. Martin, whowas a master mason and a member of McKee Lodge, McKee, Indian Territory.

These documents will be filed and made a part of the record.

Q Is there any further statement that you desire to make relative to your application? A No, sir, not as I know of.
Q Do you submit the case to the Commission for final decision? A Yes, sir.
Q Have you ever married since his death? A No, sir.
Q Did youlive with him up until the time of his death? A Yes, sir.

The applicant and the representatives of the Cherokee Nation present submit the case; the same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

I, Arthur G. Croninger, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Arthur G. Croninger

Cherokee-D- 1491

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(1491)

In the matter of the application for the enrollment of Sarah J. Martin as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on February 12, 1901 Sarah J. Martin appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 19, 1902.

The evidence shows that the said Sarah J. Martin was lawfully married in the year 1870 to Andrew J. Martin, who was admitted to citizenship in the Cherokee Nation on October 5, 1888, by the duly constituted authorities of said nation, as shown by the records of the Cherokee Nation in possession of this Commission. No certificate of this marriage is filed, but it appears from the records of the Cherokee Nation in possession of this Commission that Victoria Martin, the issue of said marriage, was admitted with her father, and the said Sarah J. Martin is identified on the 1896 Census Roll of the Cherokee Nation as the wife of Andrew J. Martin.

The Cherokee Supreme Court in the cases of Cherokee Nation vs Nancy Rogers and Melissa Dawson vs W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship.

The evidence further shows that the said Sarah J. Martin lived with her husband in the Cherokee Nation from the date of his admission to citizenship until his death; that she has continued to reside therein, and that she was a resident of said nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Sarah J. Martin should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this AUG 11 1902

Cher
Supp'l to D 1091

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 13, 1902.

In the matter of the application of SARAH J. MARTIN, for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation:

SARAH J. MARTIN, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q State your full name ? A Sarah J. Martin.
Q How old are you ? A I am 48 years old.
Q What is your post office address ? A Vian.
Q You are a white woman ? A Yes sir.
Q You are claiming as an intermarried citizen ? A Yes sir.
Q What is the name of the husband through whom you claim your citizenship ? A Andrew Johnson Martin.
Q Is he living or dead ? A He is dead.
Q Was he your first husband ? A Yes sir.
Q Were you his first wife ? A No sir, he had been married before.
Q Was his first wife dead when you married him ? A Yes sir.
Q When were you married ? A In 1870.
Q Where were you married ? A In Mississippi.
Q When did you come to the Cherokee Nation ?
A I can't tell you.
Q Was your husband admitted ? A Yes sir.
Q Do you know when ? A No sir, I don't remember, they have got his papers here.
Q Don't you remember when you came to the Cherokee Nation with your husband ? A It's been about twenty some odd years ago.
Q Was it before 1880 ? A I can't tell you for certain; Mr. Keith might, he is here.
Q When did your husband die ? A The 5th of last April was four years ago.
Q Did you and your husband live together from the time you married him up to the time of his death ? A Yes sir.
Q You never were separated ? A No sir.
Q Did you live in the Cherokee Nation from the time you came here up until your husband's death ? A Yes sir.
Q And have you lived in the Cherokee Nation ever since that time ?
A Yes sir.
Q Have you married again ? A No sir.
Q Your husband was admitted, you say ? A Yes sir.

By J. C. Starr:

Q You haven't been married to a man named Campbell since your husband died ? A No sir.
Q Has a man named Campbell been living at your house ?
A Yes sir.
Q How long has he been there ? A He lived there four years before Mr. Martin's death. He told me on his death bed that I had better hire him, because he would take care of things better than anybody else. I know they told that me and him was married but we have not.

Chas # D 1091 ---)

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this October 30, 1902.

B O Jones
Notary Public.

Cherokee D-1091.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sarah J. Martin as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on February 12, 1901, Sarah J. Martin appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 19, 1902, and on October 13,1902.

The evidence shows that the said Sarah J. Martin was lawfully married in the year 1870 to Andrew J. Martin, who was admitted to citizenship in the Cherokee Nation on October 5, 1888, by the duly constituted authorities of said Nation, as shown by the records of the Cherokee Nation in possession of this Commission. No certificate of this marriage is filed, but it appears from the records of the Cherokee Nation in possession of this Commission that Victoria Martin, the issue of said marriage, was admitted with her father, and the said Sarah J. Martin is identified on the 1896 Census Roll of the Cherokee Nation as the wife of Andrew J. Martin.

The Cherokee Supreme Court, in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson, held that a white woman, married to a Cherokee Indian at the time of his admission to citizenship, acquires thereby the rights of Cherokee citizenship.

The evidence further shows that the said Sarah J. Martin lived with her husband in the Cherokee Nation from the date of his admission to citizenship until his death;that she has continued to reside therein; and that she was a resident of said Nation, and had not remarried up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Sarah J. Martin should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898,(30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 10 1902

E C M COPY. Cherokee 10067.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of SARAH J. MARTIN as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, February 12, 1901 application was received by the Commission to the Five Civilized Tribes for the enrollment of Sarah J. Martin as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory March 19, 1902, October 13, 1902 and January 2, 1907. The records further show that on December 10, 1902 the Commission to the Five Civilized Tribes rendered its decision herein granting said applicant the right to enrollment as a citizen by intermarriage of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Sarah J. Martin, is a white woman and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than such right as she may have acquired by virtue of her marriage to one Andrew J. Martin in the State of Mississippi, February 7, 1870; that the said Andrew J. Martin was not at the time of said marriage a recognized citizen by blood of the Cherokee Nation and did not become a citizen of said Nation until his admission to citizenship therein by the duly constituted authorities of said Nation on October 5, 1888. Said applicant did not, therefore, marry a citizen by blood of the Cherokee Nation prior to November 1, 1875. Neither the applicant herein, Sarah J. Martin, nor her husband, the said Andrew J. Martin can be identified on the Cherokee authenticated tribal roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That the decision rendered by the Commission to the Five Civilized Tribes December 10, 1902 granting the application for the enrollment of Sarah J. Martin as a citizen by intermarriage of the Cherokee Nation be rescinded, set aside and held for naught, and that in accordance with the decision of the Supreme Court of the United States dated November 5, 1906 in the cases of Daniel Red Bird et al. vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Sarah J. Martin is not entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats. -495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly denied.

SIGNED: Tams Bixby
Commissioner.

Dated at Muskogee, Indian Territory

This FEB. 20 1907.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES
C. R BRECKINRIDGE

ALLISON I AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
Cherokee D 1091.

Muskogee, Indian Territory, August 13, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 11, 1902, granting the application for the enrollment of Sarah J. Martin as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against its decision. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 39.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1091.

Muskogee, Indian Territory, December 15, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Sarah J. Martin for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. H-247.

REFER IN REPLY TO THE FOLLOWING:
Cherokee 10067

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 14, 1907, rejecting the application for the enroll - ment of Sarah J. Martin as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceed- ings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl.H-46
JMH

N IN THE MATTER OF THE APPLICA

Sarah J. Martin 10/1

2 ... final testimony Fd by 12/01

3 Memo of app... Fd by 12/01

4 Notice of final consideration 3/19/02

5 Self ... to record of marriage

6 Widow's ...

7 Supt test & order ... test

Cher D 1092

Cher D 1092

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 31 1901

ACTING CHAIRMAN

26016

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 28, 1901.

In the matter of the application of William A. Hensley for the enrollment of himself, wife and children as Cherokee citizens; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A William A. Hensley.
Q How old are you? A 37, I believe.
Q What is your postoffice? A Webbers Falls.
Q What district do you live in? A Canadian.
Q Areyou a recognised citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A Intermarriage.
Q Who do you want to enroll? A I want to enroll for myself, wife and children.
Q How many children? A Two.
Q What is your wife's name? A Minnie.M. Shoemake.when I married her.
Q How old is she? A About 30 I believe.
Q Have you got any marriage license? A Yes sir.
Applicant presents a duly authenticated marriage license and marriage certificate certifying that he was married to one Minnie Shoemake, a Cherokee citizen by blood, on the 25th day of April, 1895.
Q What is your wife's father's name? A Wesley Shoemake.
Q Is he living? A Yes sir.
Q What is her mother's name? A Elizabeth.
Q Is she living? A Yes sir.
Q What are your childrens' names? A William W.
Q How old is he? A Four years old.
Q Name of the next one? A Angie M.
Q How old is Angie M.? A Born January, 1899, over one year old.
Q Got any certificate of readmission? A Yes sir, I got some kind of a paper; I don't knowwhat it is.
Applicant presents a certificate of admission issued from the Clerk of the Commission on Citizenship dated at Tahlequah, Jan. 30th, 1883, signed by Thomas Tehee, President of the Commission, Alex Wolfe and T. F. Thompson, Commissioners, attested by D. W. C. Duncan, Clerk of the Commission, certifying among others that one Minnie M. Shoemake was duly admitted to Cherokee citizenship on the 30th day of January, 1883.
Q Is the Minnie M. Shoemake mentioned in this certificate you present, the identicial person you claim as your wife? A Yes sir.
Q How long has she lived in the Cherokee Nation? A She has lived here about 18 or 19 years, I reckon.
Q Is Minnie M. Shoemake your first wife? A Yes sir.
Q You her first husband? A Yes sir.
Q You never was married before? A No sir.
Q Have you lived with her continuously since you married her? A Yes sir.
Q Living with her now? A Yes sir.
1896 roll: page 88, #101, William Hensley, Canadian district.
1896 roll: page 30, #818, Minnie M. Hensley, Canadian district
1896 roll: page 30, #819, William W. Hensley, "
Q These children living at this time? A Yes sir.

Commissioner Needles-

The name of William A. Hensley appears upon the Census roll of 1896, and he presents satisfactory proof of his legal marriage to Minnie M. Shoemake, a Cherokee citizen by blood, in the month of April 1895. He also presents satisfactory proof of the admittance of Minnie M. Shoemake to Cherokee citizenship; said certificate is more particularly described in the testimony, and the name of his child, William W., is found upon the Census roll of 1896, and he presents satisfactory proof of the birth of a younger child named Angie, about one year old, whose name does not appear upon the

Census roll of 1896. They are all duly identified according to page and number of the roll as indicated in the testimony, and make satisfactory proof as to their residence; but now comes the Cherokee Nation by its representative, W. W. Hastings, and protests against the enrollment of said Minnie M. Shoemake, and her children and her husband, avverring that the admittance of said Minnie M. Shoemake to Cherokee citizenship was obtained by fraud, consequently final judgment as to the enrollment of the said ~~[illegible]~~ William A. Hensley as a Cherokee citizen by intermarriage, his wife, Minnie M., and his two children as enumerated herein, ~~[illegible]~~ as Cherokee citizens by blood will be suspended, and their names will be placed upon a doubtful card.

E.C.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Trkbes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. C. Rothenberger

Subscribed and sworn to before me this 29th day of January, 1901.

Commissioner.

1187

10092

B

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 28 1901

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

(27) Date January 28th, 1902.

Name William A. Hensley Wilburn Falls I. T.

District Canadian Year 1896 Page 88 No. 107

Citizen by blood Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage Parit

License Certificate {Mosley Shoemaker / Elizabeth Shoemaker

(28) Wife's name Minnie M. Hensley

District Canadian Year 1896 Page 30 No. 818

Citizen by blood yes Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

3 Hensley William W. Dist. Canadian Year 1896 Page 30 No. 819 Age 4

4 Hensley Augie M. Dist. Year Page No. Age 1

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

No 1 on 1896 roll as Williams Hensley

No 2 on 1896 " as Minnie M. Hensley

No 3 on 1896 " as William W. Hensley

See testimony

Cher
Supp'l to D 1092

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October27, 1902.

In the matter of the application of WILLIAM A. HENSLEY, for the enrollment of himself as a citizen by intermarriage, and his wife MINNIE M. HENSLEY, and his children, WILLIAM W., ANGIE M. and DELLA G. HENSLEY, as citizens by blood, of the Cherokee Nation.

WILLIAM A. HENSLEY, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A William A. Hensley.
Q How old are you ? A Twenty nine.
Q What is your post office address ? A Webbers Falls.
Q Are you the identical William A. Hensley who applied to this Commission in January, 1900, for the enrollment of yourself, wife and children, as citizens of the Cherokee Nation ? A Yes sir.
Q You are a white man ? A Yes sir.
Q Have you filed with the Commission evidence of your marriage to your wife under Cherokee law ? A Yes sir, I sent that up here.
Q What is the name of your wife ? A Minnie M. Shoemake.
Q Is she living ? A Yes sir.
Q Are these children, William W., Angie M., and Della G. living at this time ? A Yes sir.
Q Were you ever married before you married your present wife ?
A No sir.
Q Was she ever married before she married you ? A No sir.
Q About when were you married ? A In 1895.
Q What time in 1895 ? A In Arpil.
Q Have you and your wife lived together continuously since that time ? A Yes sir.
Q Were you living together as husband and wife on the first day of September, 1902 ? A Yes sir.
Q How long have you been a resident of the Indian Territory ?
A About eleven years.
Q Have you made this your home continuously for the past eleven years ? A Yes sir.
Q Never made your home outside the Indian Territory ?
A No sir.
Q Has your wife ever lived outside the Indian Territory since she married you ? A No sir.
Q Were your children born here ? A Yes sir.
Q Have they always lived here ? A Yes sir.
Q They are all living to-day ? A Yes sir.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this November 19, 1902.

Notary Public.

Cherokee No. D-1092.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHEROKEE LAND OFFICE.

In the matter of the application of WILLIAM A. HENSLEY, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, MINNIE M., and children, WILLIAM W., ANGIE M. and DELLA G. HENSLEY, as citizens by blood of the Cherokee Nation.

SUPPLEMENTAL STATEMENT.

Upon a further examination of the tribal rolls of the Cherokee Nation, the applicants in this case are identified as follows:

1894 Strip Payment Roll.
No. 2 on page 90, No. 1891, Canadian District, as Minnie M. Shoemake.

1883 Pay Roll.
No. 2, Canadian District, No. 1266.

C. R. Breckinridge
Commissioner.

Tahlequah, Indian Territory,
October 19, 1903.

C.F.N. COPY

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sirena P. Shoemake et al. as citizens by intermarriage of the Cherokee Nation, consolidating the applications of:-

Sirena P. Shoemake	Cherokee R 63
Elizabeth Shoemake	Cherokee R 62
Charles P. Clark	Cherokee D 295 ✓
Clara Shoemake	Cherokee D 279 ✓
Nancy Shoemake	Cherokee D 1071 ✓
William A. Hensley	Cherokee D 1092 ✓
Laura Shoemake	Cherokee D 1157 ✓
Annie Shoemake	Cherokee D 1158 ✓
Mollie P. Shoemake	Cherokee D 1159 ✓

D E C I S I O N.

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as citizens by intermarriage of the Cherokee Nation were made to the Commission to the Five Civilized Tribes for Sirena P. Shoemake, Elizabeth Shoemake, Charles P. Clark, Clara Shoemake, Nancy Shoemake, William A. Hensley, Laura Shoemake, Annie Shoemake and Mollie P. Shoemake.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Sirena P. Shoemake, was married in 1865, to William H. Shoemake, who was not at the time of said marriage a citizen of the Cherokee Nation, and did not become such until the date of his admission to citizenship in said Nation in 1883; that the said Elizabeth Shoemake was married about the year 1870 to James H. Shoemake, who was not at that time a citizen of the Cherokee Nation; and who did not become such until his admission to Cherokee citizenship in 1883; that the said Charles P. Clark was married in the year 1888 or 1889 to one Sophia Wheraff, a citizen by blood of the Cherokee Nation; that the said Clara Shoemake married, in the year 1890, one James Shoemake, a citizen by blood of the Cherokee Nation; that the said Nancy Shoemake married, in the year 1887, one Harmon A. Shoemake, a citizen by blood of the Cherokee Nation; that the said William A. Hensley married, in the year 1898, one Minnie Shoemake, a citizen by blood of the Cherokee Nation; that the said Laura Shoemake, in the year 1897, married one Jesse H. Shoemake, a citizen by blood of the Cherokee Nation; that the said Annie Shoemake married, in the year 1893, one Charles Franklin Shoemake, a citizen by blood of the Cherokee

Nation; that the said Mellie F. Shoemake was married in the year 1891 to one Richard W. Shoemake, a citizen by blood of the Cherokee Nation. The evidence further shows that all of the applicants herein are white persons, and neither claim nor possess any right to enrollment as citizens of the Cherokee Nation except by virtue of said marriages. None of said applicants can be identified on the Cherokee authenticated tribal roll of 1880.

In view of the foregoing it is considered that none of the applicants herein were married in accordance with Cherokee law to recognized citizens by blood of the Cherokee Nation prior to November 1, 1875.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the case of Daniel Red Bird et al vs the United States, Nos. 125, 126, 127 and 128, appealed from the Court of Claims, Sirena P. Shoemake, Elizabeth Shoemake, Charles P. Clark, Clara Shoemake, Nancy Shoemake, William A. Hensley, Laura Shoemake, Annie Shoemake and Mellie F. Shoemake are not entitled to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

(Signed) Tams Bixby.

Commissioner.

Dated at Muskogee, Indian Territory,
this January 10, 1907.

Cherokee D 1092

Muskogee, Indian Territory, July 30, 1902.

Mr. William A. Hensley,

Webbers Falls, Indian Territory.

Dear Sir:

When you made application for the enrollment of yourself and family as Cherokee citizens you presented your Cherokee license and certificate of marriage to your wife Minnie. The same appears to have been returned to you as they are not on file with the Commission. You are requested to forward them to the Commission in order that your application may be disposed of.

You are urged to comply immediately with this request.

Yours truly,

Acting Chairman.

Register -

Cherokee B-1092.

Muskogee, Indian Territory, August 15, 1902.

William A. Hensley,

Webbers Falls, Indian Territory,

Dear Sir:

The Cherokee marriage license and certificate showing your marriage on April 21, 1896, to Minnie May Shoemake is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Encl. B-59.

Cherokee D-1092.

Muskogee, Indian Territory, November 30, 1903.

William A. Hensley,

Webbers Falls, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 16, 1903, granting, among others, your application for the enrollment of your wife, Minnie M. Hensley, and your three minor children, William W., Angie M. and Della G. Hensley, as citizens by blood of the Cherokee Nation. There has heretofore been furnished your attorney, Thos. H. Owen, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has heretofore been furnishedthe principal applicant by the attorney for the nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register.
Enc. H-10.

Chairman.

Cherokee D-123,&c.

Muskogee, Indian Territory, November 30, 1903.

Thos. H. Owen,

Attorney for William H. Shoemake, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the five Civilized Tribes, dated November 16, 1903, in the consolidated case of William H. Shoemake et al., granting the applications for the enrollment of William H., Lula B., Mary E., John W., Calvin B., Luda C., Claude, Maud, Maggie M., Effie, William M., Georgia A., Clem, Pigeon Shoemake, Bessie E. and Susie Clark, Jones, John W., William A., Grace L., and James N. Shoemake, Thomas E. Collins, Mary J., Gracie D., Ellis E. and Tilmon N. J. Garrett, William L. Collins, Harmon A., Rose Anna, James W., Noah H., Mattie M., Rexie L., Nila Shoemake, Minnie M., William W., Angie M. and Della G. Hensley, Jesse E., Oscar, Maud, Hugh, Walsie L., Della, Minna, Grace, Charles F., Minnie M., Bobbie, Walter, Cherokaa C., Mary I., Richard W., Ada, Ira and Thomas H. Shoemake, Rhoda M. Branum, Hugh A. and Alta M. Shoemake and Joseph W. King, as citizens by blood of the Cherokee Nation, and dismissing the application for the enrollment of Mattie B. Clark as a citizen by blood of said Nation, she having died August 26, 1902. You have heretofore been furnished with a copy of the record of proceedings.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has heretofore been furnished the principal applicant by the attorney for the nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

Enc. K-19.

COPY.

Cherokee D-125,&c.

Muskogee, Indian Territory, November 30, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of William H. Shoemake, et al., together with the Commission's decision, dated November 16, 1903, granting the applications for the enrollment of William H., Lula B., Mary M., John W., Calvin B., Luda G., Claude, Maud, Maggie M., Effie, William M., Georgia A., Glen and Pigeon Shoemake, Bessie E. and Susie Clark, James, John W., William A., Grace L. and James M. Shoemake, Thomas M. Collins, Mary J., Gracie D., Ellis E. and Tilmon M. J. Garrett, William L. Collins, Harmon A., Rose Anna, James W., Noah M., Mattie M., Rexie L. and Ella Shoemake, Minnie M., William W., Angie M. and Della G. Hensley, Jesse M., Oscar, Maud, Hugh, Walsie L., Della, Minna, Grace, Charles F., Minnie M., Bobbie, Walter, Cherokee G., Mary I., Richard W., Ada, Ira and Thomas M. Shoemake, Rhoda M. Bramum, Hugh A. and Alta M. Shoemake and Joseph W. King, as citizens by blood of the Cherokee Nation, and dismissing the application for the enrollment of Mattie B. Clark as a citizen by blood of said Nation, she having died August 26, 1902.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is inclosed.

Respectfully,

Chairman.

Through the Commissioner of Indian Affairs.

Enc. M-20.

Refer in reply to the following:
Land 78202-1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS
WASHINGTON, Jan'y 19, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith for the consideration of the Department the record of the proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of William H. Shoemake, for the enrollment of himself and his minor children Lula B. and Mary E. Shoemake, as citizens by blood, and for the enrollment of his wife Sirena P. Shoemake, as a citizen by intermarriage; of John W. Shoemake, for the enrollment of himself and his minor children Calvin B., Luda G., Claude, Maud[illegible] Maggie [illegible]., and Effie Shoemake, as citizens by blood, and for the enrollment of his wife, Elizabeth Shoemake, as a citizen by intermarriage; of William M. Shoemake for the enrollment of himself and his minor children Georgia A. and Glen Shoemake, as citizens by blood; of Charles P. Clark, for the enrollment of himself as a citizen by intermarriage, and for his wife Mattie B. Clark, and his minor child, Bessie E. Clark, as citizens by blood; of James Shoemake for the enrollment of himself and his minor children, John W., William A., and Grace L., Shoemake, as citizens by blood, and for his wife Clara Shoemake, as a citizen by intermarriage; of Tillman A. Collins, for the enrollment of his minor

son, Thomas R. Collins, as a citizen by blood; of Lemuel Garrett, for the enrollment of his wife, Mary J. Garrett, and his two minor children, Gracie D., and Ellis E. Garrett, as citizens by blood; of William L. Collins for the enrollment of himself as a citizen by blood; of Harmon A. Shoemake, for the enrollment of himself and his minor children, Rose Anna, James W., Noah H., Mattie M., Roxie L., and Ella Shoemake, as citizens by blood, and for the enrollment of his wife, Nancy Shoemake, as a citizen by intermarriage; of William A. Hensley, for the enrollment of his wife, Minnie M. Hensley, and his minor children, William W., and Angie M. Hensley, as citizens by blood, and for the enrollment of himself as a citizen by intermarriage; of Jesse E. Shoemake, for the enrollment of himself and his minor children, Oscar, Maud, Hugh, Walsie L., Della, Ninna and Grace Shoemake, as citizens by blood, and for the enrollment of his wife, Laura Shoemake as a citizen by intermarriage; of Charles T. Shoemake, for the enrollment of himself and his minor children, Minnie M., Bobbie, Walter and Cherokee C. Shoemake, as citizens by blood, and for the enrollment of his wife, Annie Shoemake, as a citizen by intermarriage; of Richard W. Shoemake, for himself and his minor children, Ada and Ira Shoemake, as citizens by blood, and for the enrollment of his wife, Mollie F. Shoemake, by intermarriage; of Thomas H. Shoemake, for the enrollment of himself as a citizen by blood; of Christopher C. Branum, for the enrollment of his wife, Rhoda M. Branum, as a citizen by blood; of

Hugh A. Shoemake, for the enrollment of himself among others as a citizen by blood; of Verda A. Young, for the enrollment of her minor child, Alta M. Shoemake, as a citizen by blood; and of William M. Shoemake, for the enrollment of Joseph W. King, as a citizen by blood; all of the Cherokee Nation.

On November 16, 1903, the Commission rendered a decision in this case in which it is set out that the status of the claimants to the right to enrollment as Cherokee citizens by intermarriage is not fixed at this time, and therefore the applicants, Sirena P. Shoemake, as wife of William H. Shoemake, Elizabeth Shoemake, as wife of John W. Shoemake, Charles P. Clark, as the husband of Mattie B. Clark, Clara Shoemake, as the wife of James Shoemake, Nancy Shoemake, as the Wife of Harmon A. Shoemake, William A. Hensley, as the husband of Minnie M. Hensley; Laura Shoemake, as the wife of Jesse E. Shoemake, Annie Shoemake, as the wife of Charles P. Shoemake, and Mollie V. Shoemake, as the wife of Richard F. Shoemake, are not embracedin this decision.

It is further stated by the Commission in said decision that subsequent to the date of the original application of William M. Shoemake, an affidavit was filed showing the birth of his minor child, Pigeon Shoemake, and that the same is made a part of the record herein, that in the application of Charles P. Clark, for the enrollment of himself among others, the other parties except his wife Mattie P. Clark, and his minor child Bessie E. Clark, are differently classed and are not

embraced in this decision, that subsequent to the date of the original application of Charles P. Clark an affidavit was filed showing the birth of his minor child Susie Clark, and the same is made a part of the record; that subsequent to the application filed by James Shoemake, et. al., an affidavit was filed showing the birth of James N. Shoemake, a fourth child of the applicant, and the same is made a part of the record, that subsequent to the date of the original application of Lemuel Garrett, et. al., an affidavit was filed showing the birth of Tillmon N. J. Garrentt, a third child of the applicant, the same being made a part of the record herein; that subsequent to the date of the original application of Wm A. Hensley, an affidavit was filed showing the birth of Della G. Hensley, a third child of the applicant, the same being made a part of the record; that subsequent to the date of the original application of Charles F. Shoemake, an affidavit was filed showing the birth of Mary I. Shoemake, a fifth child of the applicant, the same being made a part of the record. The decision further states that the other parties to the application of Hugh A. Shoemake are differently classed and are not embraced in said decision.

The Commission finds from the evidence submitted in this case that the applicants William H. Shoemake and John F. Shoemake were admitted to citizenship in the Cherokee Nation on January 25, 1883, by a duly constituted Cherokee commission on citizenship known as the Tochee Commission; that the applicants Lula B. Shoemake Mary E. Shoemake, Calvin B. Shoemake, William M. Shoemake, Mattie

B. Clark (nee Shoemake). James Shoemake, Harmon A. Shoemake, Minnie N. Hensley (nee Shoemake) Jesse E. Shoemake, Charles F. Shoemake, Richard W. Shoemake, Thomas S. Shoemake, Rhoda M. Branum (nee Shoemake) and Hugh A. Shoemake, were admitted to Cherokee citizenship by said Commission on January 30, 1883; and that Thomas E. Collins, Mary J. Garrett and William L. Collins, were admitted to Cherokee citizenship by said Commission on September 11, 1883; that all the other applicants embraced in said decision were born since 1883 and are the respective descendants of the persons admitted to citizenship as aforesaid.

The Commission then holds that under the ruling announced by the Department in the case of Martha J. Hill, et. al., (I.T.D. 3886-1903), said descendants being residents of the Cherokee Nation, are considered to have acquired the status of their said ancestors.

The Commission then goes into the evidence in this case at some length, and discusses the question of the validity of jusgments of duly constituted Cherokee authorities and especially of the Teehee Commission wherein parties are admitted to citizenship in the Cherokee Nation. The charge that the Teehee judgment of January 25, 1883, admitting the said William H. and John W. Shoemake, was a fraudulent judgment, is then discussed by the Commission in its said decision, and they say relative thereto that "After a careful consideration of all the evidence herein this Commission is of the opinion that the same fails to show that the judgment of the Teehee Commission returned January 25, 1883, is fraudulent, and therefore said judgment, together with the judg-

ments of the same Comission rendered January 30, 1883, and September 11, 1883, must be accepted as the valid and final judgments of a Cherokee tribunal of competent jurisdiction."

Said Commission further recites the fact that the applicants' names are on certain rolls of the Cherokee Nation, and that all of the applicants, except those who are too young to appear on any of the tribal rolls, are identified on the 1896 census roll. The Commission further finds from the evidence that all of the applicants who were admitted to citizenship in the Cherokee Nation, have resided in said Nation since their admission in 1883, that all the other applicants who were not so admitted are descendants of such admitted persons born since 1883, and are considered to have resided in said Nation all their lives; that the evidence further shows that the said Mattie B. Clark died August 26, 1902, and that Section 25 of the Act of Congress approved July 1, 1902, (32Stats., 716), provides as follows:

"The roll of citizens of the Cherokee Nation shall be made as of September 1, 1902, and the names of all persons then living and entitled to enrollment on that date, shall be placed on said roll by the Commission to the Five Civilized Tribes."

By reason of the foregoing facts and findings the Commission is of the opinion that the said William M. Shoemake, Lula B. Shoemake, Mary E. Shoemake, John W. Shoemake, Calvin B. Shoemake, Luda C. Shoemake, Claude Shoemake, Maud Shoemake, Maggie M. Shoemake, Effie Shoemake, William M. Shoemake, Georgia A. Shoemake, Cam Shoemake, Pigeon Shoemake, Bessie E. Clark, Susie Clark, James Shoemake, John W. Shoemake, (son of James Shoemake),

William A. Shoemake, Grace L. Shoemake, James W. Shoemake, Thomas M. Collins, Mary J. Garrett, Gracie D. Garrett, Ellis B. Garrett, Tilmon M. J. Garrett, William L. Collins, Herman A. Shoemake, Rose Anna Shoemake, James W. Shoemake, Noah H. Shoemake, Mattie M. Shoemake, Rexie L. Shoemake, Ella Shoemake, Minnie M. Hensley, William W. Hensley, Angie M. Hensley, Della G. Hensley, Jesse E. Shoemake, Oscar Shoemake, Maud Shoemake, Hugh Shoemake, Walsie L. Shoemake, Della Shoemake, Minna Shoemake, Grace Shoemake, Charles F. Shoemake, Minnie M. Shoemake, Bobbie Shoemake, Walter Shoemake, Cherokee G. Shoemake, Mary I. Shoemake, Richard W. Shoemake, Ada Shoemake, Ira Shoemake, Thomas H. Shoemake, Rhoda M. Branum, Hugh A. Shoemake, Alta V. Shoemake, and Joseph W. King, should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495), and that the application for the enrollment of Mattie B. Clark as a citizen by blood of the Cherokee Nation, should be dismissed.

Attached to said decision of the Commission is a protest by the Cherokee Nation against said decision of the Commission and requesting that the same be forwarded to the Secretary of the Interior for review together with the record and briefs filed by the Cherokee Nation, dated respectively June 5, and June 5, 1902. In this protest the Cherokee Nation says it has heretofore in the briefs above referred to, stated its views with reference to the enrollment of these people, both as to

these applicants and the law which should govern them with reference to their right to enrollment, and it does not think it necessary to file an additional brief, but calls the attention of the Department to the findings of the commission wherein it is argued that some subsequent admissions were made by other courts or commissions; that the brief in this case shows that no other testimony was ever introduced before the Cherokee Commission after the alleged fraudulent admission of William H. Shoemake in January 1883, and that proof of relationship to him was all that was ever afterwards submitted, and the Nation contends that if he and his family were fraudulently admitted, that the other admissions, being based upon his, were also fraudulent.

Said protest further declares that it is not believed that Congress intended that any technical construction should be placed upon the word "fraud" as used in the act of June 28, 1898 and that the widest latitude should be given in the investigation of alleged fraudulent citizenship cases. The Attorney for the Nation in said protest further states that D. W. C. Duncan was the educated clerk of the court, and that the court was composed of two full blood Indians now dead; that they are not here to testify and if living, in the very nature of things, it would indeed be difficult to more directly prove fraud in this or in any other case; and said protest concludes by holding that these applicants are not Cherokee Indians, but they are frauds, and have no equities whatever, and that they ought not to be enrolled as citizens of the Cherokee Nation.

I have examined said briefs filed by the Cherokee Nation, and the one filed on July 5, 1902, begins by taking up the original application of William H. Shoemake and his brother, John W. Shoemake, filed with the Commission on citizenship, september 1o, 1880. It is shown that the application was continued until the January term, 1881, by the plaintiff, when it was again continued by him until the September term 1881; that on September 24, 1881, the case was withdrawn; that the application was refiled on the 4th day of January 1882, continued to the September term of that year by the Commission, and was again continued to the January term 1883, and that on January 25, 1883, the Nation claims that a judgment was entered admitting the applicants to citizenship and that the same was fraudulent. The basis for this claim of a fraudulent judgment seems to be upon the ground that there was a judgment entered rejecting the applicants, and that part of the judgment was erased and rewritten, admitting the applicants to citizenship in the Cherokee Nation, and it is contended in said brief that the same is in the handwriting of the clerk of the Court. The brief then sets out that there was introduced by the Cherokee Nation a motion to reconsider, which motion it is contended discloses the fact that the applicants were rejected. It is now alleged that this motion to reconsider is signed by S. H. Benge and C. H. Taylor, attorneys for claimants, but that it is in the handwriting of the clerk of the court, and that S.H. Benge denies that he was ever an attorney for the claimants, or

that he ever had any knowledge of any such motion having been written, or that he ever authorized his signature to the same.

The brief then goes into the matter of the testimony as submitted to the said Teehee Commission, and undertakes to show that the evidence was not sufficient to sustain the claim of the applicants. I do not deem it necessary to go through this long brief and take up the different reasons therein attempting to show that this judgment of the Teehee Commission was fraudulent. The question of vital importance is -- Has the Cherokee Nation submitted sufficient proof to show that the entry of this judgment was a fraudulent act of the clerk? I do not consider that the Nation has so shown, and I do not consider, under all the circumstances connected with this transaction, that the Cherokee Nation now has a right to complain or to attempt to defeat the enrollment of these parties on the ground of a fruadulent admission of the principal applicants.

The record shows, on page 15 of the record of the "supplemental testimony and proceedings in the matter of the application of William H. Shoemake, for the enrollment of himself and children as citizens of the Cherokee Nation," the following:

Office Commission,
on Citizenship,
Tahlequah, C.N.

Hon. D. W. Bushyhead,
Principal Chief, C.N.

Dear Sir:

In the case of W. C. Shoemake, et. al., and J. D. Shoemake, et. al., versus the Cherokee Nation, petitions for citizenship in the Cherokee Nation. W. C. Shoemake claims to be the son of the W. H. Shoemake, who was admitted to the rights of citizenship in the Cherokee Nation by the Thomas Teehee Commission on the 25 day of January 1883. And J. D. Shoemake et. al., who claims to be the son of Betsy Ann Shoemake, who was

a full sister to J. W. Shoemake and W. H. Shoemake, who were admitted to citizenship in the Cherokee Nation, by the Thomas Teehee Commission on the 25 day of January 1883. The Commission after a careful examination of the evidence in the said case of W.C. Shoemake and J. D. Shoemake, decided that inasmuch as the docket and records of the said Thomas Teehee Commission shows that said J. W. Shoemake and W. H. Shoemake were admitted to all the rights, privileges and immunities as other native born Cherokees within the limits of the Cherokee Nation on the 25 day of January 1883. The Commission finding the above mentioned cases upon the said records of the said Teehee Court or Commission as above stated, could not legally decide to reject the said case of W.C. Shoemake et. al., and J. D. Shoemake, et. al.

But at the same time, believing that said W. C. Shoemake, et. al., and J. D. Shoemake, et. al., are not Cherokees by blood, and that the said J. W. and W. H. Shoemake, whose respective cases were decided by the Thomas Teehee commission on the date above mentioned, was a fraud committed upon the Nation by the said parties, we would therefore ask, and recommend, that the said cases of J.W. & W. H. Shoemake, be reinvestigated by the National Council, believing that the said J. W. & W. H. Shoemake obtained their rights through fraud. We would also refer the case of W.C. Shoemake, et. al., and J. D. Shoemake, et. al., to the National Council.

We remain, very respectfully,

(Ellis Spears, President.
(Andrew Young, Com.
(John Lee, Com.

Attest, J. D. Fry)
Cl. Com.)

This the 27th day of September 1884.

It appears from this communication that the matter of the admission of the said W. C. and J. D. Shoemake, by the Teehee Commission, was taken up at an early date and the charge of fraud brought against the proceedings by which they were admitted. It further appears that the citizenship court then in existence held that it had no power to set aside the judgment admitting them, but took the proper action in bringing the matter to the attention of the Principal Chief and suggested that the Shoemake cases be brought to the attention of the National Council, which Council

could assume jurisdiction and by means of legislation annul the judgment of the citizenship court; but the record does not show that the National Council ever did anything relative to the matter submitted to the Principal Chief, nor does it show that the Principal Chief called the attention of the National Council to the alleged fraud as he was requested to do by the members of the Citizenship Commission.

If there was fraud in this case, the Nation was fully advised thereof almost twenty years ago, and yet it never took any action looking to expunging its record of what it claimed to be a fraudulent judgment as to citizenship; but instead it permitted the names of William H. and John W. Shoemake, together with the members of their family, to go upon the 1883 payroll and on the 1894 strip payment roll of the Cherokee Nation, and they have been exercising all the rights of Cherokee citizenship ever since the date of their said admission by the Techee Commission.

In its brief filed July 25, 1902, the attorneys for the Nation set out several citations as to fraud, and it is a well known principle, as stated therein, that fraud vitiates everything. But it is also a well known legal principle that as soon as the fraud is discovered the party defrauded is expected to take action within a reasonable time to have the fraudulent transaction set aside; and that unless the party defrauded does take such action within a reasonable time, or at least within

the time fixed by the Statute of Limitations, he must abide by the consequences of the fraud and can not have the transaction set aside. I know of no Statute of Limitation in force in the Cherokee Nation in 1885 relative to fraud., but I do not consider the fact that there is no such Statute gives the party complaining of the fraud the right to delay action to have it set aside for an inde finite period, and the Cherokee Nation i n this instance has certainly been guilty of gross laches, for it was advised of fraud in this matter very soon after the judgment was entered.

It is not to be inferred from this that I consider that even though fraud might be established, the Nation in equity is now barred from attempting to establish it. By reason of the fact then that I do not consider that the Nation has been able to prove that the judgment of the Techee Commission admitting the principal applicants to citizenship in the Cherokee Nation, and as a consequence making it possible for the admission of all of the other applicants, was fraudulent, and for the further reason that I do not consider that the protest of the Nation on the ground of fraud should be entertained by reason of the lapse of time and neglect of the Nation. I am of

the opinion that the decision of the Commission to the Five Civilized Tribes is in accordance with the established facts and the law, and I therefore recommend that it be approved by the Department.

Very respectfully,

Commissioner.

W.C.D.-L.C.

Cherokee
D 1092.

Muskogee, Indian Territory, January 10, 1907.

William A. Hensley,

Webbers Falls, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying, among others, your application for enrollment as a citizen by intermarriage of the Cherokee Nation. Your attorneys have heretofore been furnished copies of the record of proceedings had in your case and there has this day been forwarded them copies of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl.HJ-56.
HJC

Commissioner.

Cherokee R.
63 et al.

Muskogee, Indian Territory, January 10, 1907.

Thomas & Harrison,

Attorneys for Sirena P. Shoemake, et al.,

Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying the application for the enrollment of Sirena P. Shoemake, et al., as citizens by intermarriage of the Cherokee Nation. You have heretofore been furnished a copy of the record of proceedings had in this case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl.HJ-71.
HJC

Commissioner.

Cherokee R
63 et al.

Muskogee, Indian Territory, January 10, 1907.

Thomas H. Owen,

Attorney for Sirena P. Shoemake, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying the applicatio n for the enrollment of Sirena P. Shoemake, et al., as citizens by intermarriage of the Cherokee Nation. You have heretofore been furnished a copy of the record of proceedings had in this case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl.HJ-7
HJC

Commissioner.

Cherokee R.
63 et al.

Muskogee, Indian Territory, January 10, 1907.

W. W. Hastings,

Attorneyffor the Cherokee Nation.

Muskogee, Indiam Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 1, 1907, denying the application for the enrollment of Sirena P. Shoemake, et al., as citizens by intermarriage of the Cherokee Nation.

The decision, together wi h the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl.HJ-90.
HJC

Commissioner.

Muskogee, Indian Territory, January 10, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of December 1, 1906 (I.T.D.512-1904), there is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Sirena P. Shoemake, et al., for enrollment as citizens by intermarriage of the Cherokee Nation, together with the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying the applications for the enrollment of Sirena P. and Elizabeth Shoemake, Charles P. Clark, Clara, Nancy, Laura Annie and Mollie P. Shoemake, and William A. Hensley as citizens by intermarriage of the Cherokee Nation.

Respectfully,

Through the Commissioner
of Indian Affairs.

Encl. HJ-60.
HJC

Commissioner.

(Copy)

Land
4433-1907

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON/

February 15, 1907.

The Honorable,
The Secretary of the Interior.

Sir:

Referring to Department letter of December 1, 1906, I.T.D. 513-1904, there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 10, 1907, transmitting the record relative to the application of Sirena P. Shoemake et al., for enrollment as citizens by intermarriage of the Cherokee Nation. The parties to the case are Sirena P. and Elizabeth Shoemake, Charles P. Clark, Clara, Wangy, Laura, Annie and Hollie P. Shoemake and William A. Wensley, all of whom apply for enrollment as citizens by intermarriage.

The record in the case shows that Sirena P. Shoemake was married in 1868 to William H. Shoemake, who was not at that time a citizen of the Cherokee Nation but was admitted to citizenship therein in 1883; that Elizabeth Shoemake was married about 1870 to James H. Shoemake, who was not then a citizen but was admitted in 1883; that Charles P. Clark was married in 1868 or 1869 to Sophia Sheraff, a citizen by blood that Clara Shoemake was married in 1880 to James Shoemake, a

citizen by blood; that Nancy Shoemake was married in 1887 to Marmon A. Shoemake, a citizen by blood; that William A. Wensley was married in 1895 to Minnie Shoemake, a citizen by blood; that Laura Shoemake was married in 1887 to Jesse E. Shoemake, a citizen by blood; that Annie Shoemake was married in 1893 to Charles Franklin Shoemake, a citizen by blood; and that Mollie F. Shoemake was married in 1891 to Richard V. Shoemake, a citizen by blood.

The record also shows that all the applicants are white persons, and that none of them claims any right to enrollment in the Cherokee Nation except by virtue of the marriages mentioned. Mr. Bixby says, in his decision, that none of their names is found on the tribal roll of 1880.

Under the decision of the Supreme Court in the case of Daniel Red Bird, et al. vs. the United States (203 U.S., 76), the applicants are not entitled to enrollment, and the approval of the Commissioner's adverse decision of January 10, 1907, is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

G&W-GE

Y.P.

D.C.10517-1907.
I.T.D.3556-1907.
LRS

Direct. DEPARTMENT OF THE INTERIOR, THE
WASHINGTON.

(COPY)

February 19, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

January 10, 1907, you transmitted the record in the matter of the application for the enrollment of Sirena P. Shoemake, Elizabeth Shoemake, Charles P. Clark, Clara Shoemake, Nancy Shoemake, Laura Shoemake, Annie Shoemake, Mollie F. Shoemake, and William A. Hensley, as citizens by intermarriage of the Cherokee Nation, including your decision of the same date, denying said application.

Reporting February 15, 1907 (Land 4433-07), the Indian Office recommends that said decision be approved. A copy of its letter is inclosed.

Your decision is hereby affirmed. The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos Ryan,

1 inc. and 2 for Ind. Of. First Assistant Secretary.

A.T. Mc.
2-20-07.

Cherokee 7R-63
et al.

Muskogee, Indian Territory, March 11, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying the application for the enrollment of Sirena P. Shoemake, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 19, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

RPI

Commissioner.

Enc 1-1

Cherokee R 63
et al

COPY

Muskogee, Indian Territory, March 11, 1907.

Thomas & Harris,

Attorneys for Sirena P. Shoemake et al.,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying the application for the enrollment of Sirena P. Shoemake, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 19, 1907.

For your information, there is enclosed herewith a copy of departmental letter referred to.

Respectfully,

SIGNED Tams Bixby,

Commissioner.

RPI

Enc L-3

Cherokee R 45
et al.

COPY

Muskogee, Indian Territory, March 11, 1907.

Thomas M. Owen,
Attorney for Sirena P. Shoemake, et al.,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying the application for the enrollment of Sirena P. Shoemake, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 19, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED Tams Bixby
Commissioner.

RPI
R-c I-2

Cherokee D 1092

COPY

Muskogee, Indian Territory, March 11, 1907.

William A. Hensley,

Webber's Falls, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 19, 1907.

Respectfully,

SIGNED

RPI

Commissioner.

Cher D 1093

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DEPARTMENT OF THE
CISION TO THE FIVE C

FILED
FEB 1 1991

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEBUARY 18th, 1901.

IN THE MATTER OF THE APPLICATION OF Nancy Benge for the enrollment of herself and an orphan child - CASSIE HENSON - as citizens of the Cherokee Nation, and Nancy Benge, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows; through interpreter, Simon Walkingstick:

Q Give me your full name? A Nancy Benge.
Q How old are you? A About sixty years old.
Q What is your Postoffice? A Wagoner.
Q In what district do you live? A Tahlequah District.
Q Who is it you want to have enrolled; just yourself.?
A Myself and an orphan child.
Q Are you a Cherokee by blood? A Yes sir.
Q You claim to be a full blood, do you? A Yes sir.
Q How long have you lived in the Cherokee nation?
A Born and raised here.
Q Lived here all your life? A yes sir.
Q Give me the name of your father? A Catfield (Cat Field)
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A Arlie, Catfield.
Q Is she dead? A Yes sir.
Q How many times have you been married? A Twice.
Q What was your name in 1880; twenty years ago? A I think it was Benge.
Q Your first husband was named Benge, was he?
A My first husband was named Raper.
Q His full name what? A Joe.
Q Joe Raper? A Yes sir.
Q Is he dead? A Yes sir.
Q And your next husband; what was his name? A Riddle Benge.
Q Is he dead? A Yes sir.
Q Give me the name of this orphan child? A Cassie Henson.
Q How old is the child? A Six years old.
Q Is the mother of that child dead? A Yes, she's dead.
Q What was her mother's name? A Annie Henson.
Q What was the name of the father of that child? A Sixkiller Henson.
Q What was Annie Sixkiller's name before she married Henson?
A Annie Sevier.
Q Was she ever married except to Sixkiller Henson?
A I don't know, she says, exactly; that is the only husband she ever had so far as she knows.
Q Was her father named Sevier? A I think so.
Q Do you know his full name? A No sir, I don't. know his full name.
Q Was Annie a full blood Cherokee? A No sir, she was a mixed breed; she was rather fair.
Q Is this child's father dead? A No sir, he is living; sitting right over there.
Q Is the child living with you? A Yes sir.
Q You have charge of it, have you? A Yes sir.

By Mr. W. W. Hastings, Cherokee Representative:
Q Did you live in Tahlequah District all your life? A I have been in that District all my life.
Q Ask her how long her husband, Benge, has been dead?
A He has been dead some thing near twenty years she says. She states that they moved down into Illinois District about fifteen years ago and stayed there until her died, and then returned to Tahlequah District.
Q Well, was he living in 1880? A She does not know exatly.

Com'r. C. R. Breckinridge:
Q Was this Annie Sevier any kin to you? A No sir.
Q Did she have a brother named Tom? A I do n't know; that man may know something about it

NANCY RENGE ET AL.

--2--

SIXKILLER HENSON, being sworn and examined by Commissioner, C. R. Brookinridge, testified as follows: (interpreter, S.Walkingstick)

Q Give your full name there? A Sixkiller Henson.
Q Were you married to a woman named Annie? A Yes sir.
Q Was her name Annie Sevier? A Yes sir, that was her name.
Q Was she a full blood Cherokee? A She was about a half breed.
Q Was her mother a Cherokee or a white woman? A She claimed to be a Cherokee by blood; I don't know.
whether she was or not.
Q Was her father a Cherokee by blood? A I don't know; she was not raised in this part of the country; she was raised in some other part of the country.

By Mr. W. W. Hastings, Cherokee Representative:
Q Mayby she came from North Carolina? A No, she did not.

Commissioner C. R. Brookinridge:
Q How old was your wife when she died? A I don't know; He says she went to school at the orphan asylum.

By Mr. W. W. Hastings, Cherokee Representative:
Q She was old enough to be on the 1880 Roll? A She was at least twenty any way when she died.

Commissioner C. R. Brookinridge:
Q When ~~xix~~ she died? A Yes sir.
Q Was your wife ever called Annie Hogshooter? A No sir.

Tribal Rolls of citizens of the Cherokee nation examined and the names of the applicant is found thereon as follows:
(1896 Census Roll, Page 1233, #2766, Nancy Raper, Tahlequah District; native Cherokee; fifty years of age.

Q Is there an "H" in this child's name? A Yes sir, Cassie May.

(1896 Census Roll examined, and the name of orphan child for whom the applicant applies is found thereon as follows:
Page 1188, #1596, Cassie M. Henson, Tahlequah D'st.
Cassie M. Henson's mother is identified on the 1896 Census Roll as follows:
Page 1188, #1595, Annie Henson, Tahlequah D'st.

NANCY RENGE RECALLED.
Q When did this woman, Annie Henson die? A She's been dead about five years; probably six years, she says.

Sixkiller Henson recalled:
Q How old are you? A About twenty seven.
Q Give me the name of your father? A Billie Henson.
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A Fannie Henson.
Q Is she dead? A Yes sir.
Q Were you ever married before you married this woman, Annie?
A No sir.
Q Did she live with you until she died? A Yes sir.
Q Was she ever married before she married you? A I can not say as to that; I don't know.
Q How long since you married her? A He says they lived together about four years.
Q How old was she when she died? A I did not know her age.
Q Well, was she about your age? A She was near my age; younger than I was.
Q Was this child born while you and she were living together?

A Yes sir.
Q How long had you been married when this child was born? A We had been married about two years.
Q Did she ever have any other child except this child? A No sir.
Q She did not have any children when you married her? A No sir.

Tribal Rolls of the Cherokee Nation further examined, and the name of Sixkiller Henson is found thereon as follows:
1880 Roll (Authenticated), Page 789, #1047, Six Henson, Tahlequah District.
1896 Census Roll, Page 1188, #1594, Six Henson, Tahlequah District.

NANCY RENGE RECALLED:
Q This child is living now, is it? A Yes sir.

Commissioner C. R. Breckinridge: The applicant applies for the enrollment of herself and an orphan child in her charge: She is doubtfully identified on the roll of 1896, as Nancy Raper; she can not be identified on the roll of 1880; she states that she is a Cherokee by blood and claims to be a full blood and to have lived in the Cherokee Nation all her life; for her more satisfactory identification, she will be listed for enrollment as a Cherokee by blood, upon a doubtful card and the final result will be made known to her at her postoffice address.

The child, Cassie M. Henson is identified with her deceased mother on the roll of 1896; her father is identified on the rolls of 1880 and 1896 as a native Cherokee and the father and mother are identified as husband and wife on the roll of 1896. It appears from the testimony that they were lawfully married, and it is doubtful whether the mother was a Cherokee or a white woman: The child is now living, and will be listed for enrollment as a Cherokee by blood.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 13th day of Febuary, 1901.

COMMISSIONER.

DEPARTMENT OF THE [illegible]
COMMISSION TO THE FIVE CIVILIZED [illegible]BES
FILED
APR 12 1901
[illegible]
ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., April 13, 1901.

In the matter of the application of Nancy Benge for enrollment as a Cherokee by blood.

Additional testimony - Cherokee Card D1083.

James M. Keyes, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A James M. Keyes.
Q What is your post office? A Chouteau.
Q You are a Cherokee citizen? A Yes, sir.
Q Do you know Nancy Benge? A Yes, sir.
Q State in your own way all you know about her? A I have known her for about fifty years; I knew her before the war and after the war; I know her to be a Cherokee. She is the daughter of Arly Cochran.
Q Arly Cochran was a Cherokee? A Yes, sir.
Q Do you know her mother? A Yes, sir, her mother was Arly Cochran, this woman's mother.
Q She was a Cherokee by blood, was she? A Yes, sir.
Q Was this woman born and raised in the Cherokee Nation? A Yes, sir.
Q Her name does not appear upon the roll of 1880; do you know of any reason why? A No, sir, I don't.
Q You are satisfied that she is a Cherokee citizen by blood and ought to be enrolled? A Yes, sir.
Q Has she always been recognized as such and known as such by the community in which she lives? A Yes, sir.
Q You are a Cherokee citizen by blood yourself? A Yes, sir.
Q Have you ever held any official position in the Nation? A Yes, sir, I have held a good many.
Q Name some of them please; what official positions have you held? A I have been Chief Justice of the Supreme Court of the Cherokee Nation at one time.
Q Do you know anything else about this case? A No, sir, nothing.
Q Was Arly Cochran living in 1880? A I think not; she was a very old woman at the commencement of the war.
Q Was this woman's father dead at that time? A I didn't know her father; I knew her stepfather, Mose Cochran.
Q She was an orphan child? A No, her mother was Arly Cochran, the mother of this woman was the wife of Mose.
Q After Arly died, I say? A Yes, sir; she may be on the roll as Nancy Annesley.

*****. ****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 13th of April, 1901.

Commissioner.

CD 1093

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 28 1902

ACTING CHAIRMAN

Supl.-C.D.#1093.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 19, 1902.

SUPPLEMENTAL in the matter of the enrollment of NANCY BENGE as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 28, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee Indian Territory, on the 19th day of March, 1902, and that on said day she might appear before the Commission either in person or by Attorney, when an opportunity would be given her to introduce any additional testimony affecting her application. The applicant has this day, to-wit: the 19th day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---oooOOOooo---

I, J. O. Rossen, do hereby certify tyat as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rossen

Cherokee-D- 1093

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Nancy Benge as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on February 12, 1901, Nancy Benge appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment, among others, of herself as a citizen by blood of the Cherokee Nation. Further proceedings in the matterof said application were had at Fort Gibson, Indian Territory, on April 12, 1901, and at Muskogee, Indian Territory, on March 19, 1902. The other party to the application is differently classified, and is not embraced in this decision.

The evidence shows that the said Nancy Benge is a Cherokee by blood, and has resided in the Cherokee Nation all her life. She is identified on the 1896 Census Roll of the Cherokee Nation.

The evidence further shows that the said Nancy Benge was a resident of said nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Nancy Benge should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898(30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this SEP 20 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1093.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Nancy Benge for the enrollment of herself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 111.

IN THE MATTER OF THE APPLICATION

Mary Bird

FOR ENROLLMENT AS

CHEROKEE CITIZEN

1. Original testimony, Feby 12/01
2. Memo of application Feby 12/01
3. Additional testimony, April 12/01
4. Notice of final consideration, 3/19/02

Final Roll
Card No. 21

Cher D 1094

Cher D 1094

21091

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
FEB 13 1901

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., FEBRUARY 12th, 1901.

IN THE MATTER OF THE APPLICATION OF Ephraim Thorne for the enrollment of himself and children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give me your full name? A Ephraim Thorne.
Q How old are you Mr. Thorne? A About forty nine.
Q What is your Postoffice? A Wagoner.
Q In what district do you live? A Tahlequah.
Q Who is it you want to enroll; yourself and family? A
A Just myself and three children.
Q You do not apply for a wife? A No sir, she's dead.
Q Do you claim to be a Cherokee by blood? A Yes sir.
Q How long have you lived in the Cherokee Nation?
A You might say all my life.
Q All your life? A Very near all my life.
Q Where were you living when not living in the Cherokee Nation?
A I was railroading from 1880 to 1890 from here to Denison and from Denison to Muskogee, and part of the time I was stationed at Denison; I was working in the shops.
Q Were you born in the Cherokee Nation? A Yes sir.
Q Give me the name of your father? A Jacob Thorne.
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A Nancy Thorne.
Q Is she dead? A Yes sir.
Q Give me the names of these children? A The eldest one is William R Thorne.
Q How old is that child? A He was born in 1888.
Q Twelve years old? A Yes sir.
Q The next child? A Louella.
Q How old is that child? A Born in '91.
Q About nine years old? A Yes sir.
Q Next child? A James Willard.
Q How old is that child? A Born on the 10th of this last January.
Q Are these children all living now? A Yes sir.
Q Give me the name of the mother of these children?
A The mother of the two first ones was Carrie.
Q What was her name when you married her? A Manley.
Q When did you marry her? A I married her in '84.
Q Was she a white woman or a Cherokee? A Yes sir, she was a white woman.
Q Were you ever married before you married that woman? A No sir.
Q Was she ever married before she married you? A No sir.
Q Is she dead? A yes sir.
Q When didshe die? A She died in September of the Fall of 1895 I believe.
Q Did you and she live together until she died? A Yes sir.
Q Have you a certificate of your marriage to her? A No sir, I was married in Texas.
Q Married to her in 1884 in Texas? A Yes sir.
Q What were you doing in Texas? A I was railroading.
Q You said you began railroading in 1880? A I began here in '80.
Q Where did she die? A She died in the Cherokee Nation, Tahlequah District, five miles east of Tahlequah.
Q You had a license when you married her? A Yes sir.
Q Married by a preacher? A yes sir.
Q Give me the name of the mother of your youngest child, James W. A Why, Sallie.
Q What was her name when you married her? A McPhearson.
Q Is she living or dead? A She's dead.
Q When did she die? A She died the 11th of January; this last January.
Q Was she a Cherokee or white woman? A She was a white woman.
Q Have you a certificate of your marriage to her? A yes sir.

Let me have it? (Applicant hands paper to Commissioner.)

Com'r. C. R. Breckinridge: The applicant presents a license issued by the clerk of the United States Court, Northern District of the Indian Territory, August 14th, 1897, authorizing marriage between himself and Sallie McPherson; the certificate shows that they were united in marriage on the 22nd day of the same month and in the same year by the Reverend John M. Davis. This is filed herewith.

Q How long is it now since you were railroading? A In '90 as well as I remember.
Q And where have you lived since 1890? A I stayed there until '92 and came back to the Cherokee Nation; came to Tahlequah; my family was there; I went back and came back in '94.
Q When did you bring your family? A In '93.
Q You brought your family in 1893? A Yes sir.
Q Has your family been here ever since? A Yes sir.
Q Have you been in the Cherokee Nation ever since then? A Yes sir.
Q What kind of work did you do with the railroad? A I was firing on the road.
Q What else did you do? A Worked at mechanics trade.
Q Where? A At Denison, Texas.
Q Did you work for the railroad from 1880 to 1890? A Yes sir, I was back here to the Nation on visits and outside of these visits I was employed by the Company: I was back here once a year.

Tribal Rolls of the Cherokee Nation examined the names of the applicants found thereon as follows:
1896 Roll, Page 1258, #5494, Eve Thorn, Tahlequah District; Native Cherokee; forty two years of age.(Identified as the applicant)
1896 Roll, Page 1258, #3475, Randolph Thorne, Tahlequah D'st.
(1896 Roll, Page 1258, #3476, Lewellen Thorn, Tahlequah D'st.

Q Did you get your strip money? A Yes sir.
Q Did you get on the roll, or was the money paid to you by special act? A By Act of the Council.
Q Did you draw for your two older children? A Yes sir.
Q You were included in an Act to give money afterwards to certain ones? A Yes sir.
Q When did your father die? A As well as I remember, I was quite small.
Q When did your mother die? A When I was about two weeks old. My father died the second year after the surrender.
Q When you were in Texas working for the railroad, did you vote down there? A No sir, I was not allowed to vote.
Q Never voted at any of the elections? A No sir.
Q Did you vote during that time at any elections in the Cherokee Nation? A No sir., not during that time; I could have done it.

Q You say you lived in the Cherokee Nation from the time you were born until you went into the railroad work in 1880? A Yes sir.
Q Now your last wife; was she ever married before she married you? A No sir.
Q You say she was not married before she married you? A No sir.
Q Did you and she live together from the time you married her until she died? A Yes sir.
Q And you had never been married except to these two women? A No sir.

Com'r. C. R. Breckinridge: The applicant applies for the enrollment of himself and three children; he claims that he is a Cherokee

by blood; was born in the Cherokee Nation and lived in the Cherokee Nation all his life until the year 1880, when he entered upon railroad work, running between Muskogee and Dennison, Texas, and part of the time working at the mechanists trade in the railroad shops at Denison of the M. K. & T. Railroad. He is not identified upon the roll of 1880, but is identified on the roll of 1896 as a native Cherokee; he is not on the regular roll of 1894, but states that the Cherokee Strip Money was allowed him in a special Act passed by the Cherokee Council, which included him and his two older children; this Act is not consulted at this time: He claims that he came back to the Cherokee nation in 1891, and in 1893 he moved his family to the Cherokee nation and that he and his family have lived in the Cherokee nation continuously since that time: He will now be listed for enrollment as a Cherokee by blood, upon a doubtful card, for the further consideration of his case under the conditions stated. It should be added that he claims never to have voted outside of the Cherokee Nation: The first two children, William R. and Louella Thorne are said to be the children of his first wife, Carrie, to whom he claims to have been married in Texas in the year 1884 and he states that neither he nor that wife was previously married and that they lived together continuously until her death some five years ago: He is desired to file with the Commission an official copy of his marriage license and certificate, it being stated by him that this marriage took place in the State of Texas under a Texas license.

These two children are duly identified on the roll of 1896; they are living and they will now be listed for enrollment as Cherokees by blood upon a doubtful card to await the proof of marriage indicated in the testimony and the decision as to the rights of their father.

The marriage to his second wife is established by license and certificate filed herewith; the applicant states that this wife was never married except to him, and that he was never married except to these two women indicated in the testimony; and that his first wife was dead when he married his second wife, his second wife being now dead also, her death following closely the birth of her child.

When the Commission is supplied with a proper certificate of the birth of the child, James W. Thorne, this child also will be listed for enrollment as a Cherokee by blood upon a doubtful card with its father to await the decision in his father's case.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 13th day of February, 1901.

COMMISSIONER.

D. 1084.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 19, 1902.

In the matter of the application of Ephraim Thorne for the enrollment of himself and children as citizens of the Cherokee Nation.

Applicant represented by G. W. Benge.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter February 26, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902. The applicant this day, to-wit the 19th day of March, 1902, appears by his attorney, G. W. Benge.

EPHRAIM THORNE, the applicant, being first duly sworn, testified as follows:

MR. BENGE: What is your name? A Ephraim Thorne.
Q How old are you? A Between fifty and fifty-one.
Q What is your postoffice address? A Wagoner.
Q Why how come you to get out of the country? A Railroading.
Q When was that, when did you go to railroading? A In '80.
Q In '80? A Yes, sir.
Q Was that before the census of 1880 was taken? A Yes, sir.
Q Well, how long did you railroad? A I don't know, about eight years I reckon.
Q Right? A Yes, sir, off and on.
Q Then when did you come back to the country? A 1883 and 1886 I come back to the country, but then I went back.
Q You was backwards and forwards? A Yes, sir, I got leave of absence.
Q Who from? A From the M. K. & T. Railroad Company.
Q Did you ever make a home outside of the Cherokee Nation anywheres? A No, sir.
Q How long did you ever reside in any other country outside of the Cherokee Nation at one particular place? Q Well, I couldn't tell you, that would be hard for me to say.
Q Well, I don't want the exact dates. A I was railroading, and as a matter of course I was from here to Denison, but I was longer in Denison on account of my going into the machine shops when I quit the railroad.
Q In Denison? A Yes, sir.
Q You never acquired a right to exercise the right of citizenship of any other country? A No, sir.
Q Is there anything else that you wish to state? A Why I believe not.

MR. HASTINGS: Are you married? A Yes, sir.
Q Where were you married? A I was married to my first wife in Texas.
Q Have you any children by her? A Yes, sir.
Q How many? A Two.
Q Where were they born? A They were born in Texas.
Q Where were you married the second time? A Here in the Cherokee Nation.
Q Where did your first wife die? A She died in Tahlequah.
Q When? A Died, let me see, was in 1898, in the fall of 1896.
Q After you come back here? A Yes, sir.

Q You married your first wife and your first two children were born in Texas? (No response.)

MR. BENGE: You never made application for admission? A No, sir.

Q You have participated and been recognized since your return as a citizen of the Cherokee Nation? A Yes, sir.

Q Participated in the payments? A Yes, sir.

Q I believe you appear on the 1896 roll all right? A Yes, sir.

The attorney for the applicant and the representatives of the Cherokee Nation present submit the case; the same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

The attorney for the applicant requests and will be granted ten days in which to file a brief in the case, one copy with the Commission and one copy with the representatives of the Cherokee Nation.

I, Arthur O. Croninger, ~~Acting Stenographer~~, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Arthur O. Croninger

DEPARTMENT OF THE INTERIOR.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

At Muscogee I. T. March 3.1.....1902

In the matter of the application of Ephriam Thorne, for the enrolement himself and his three children, as citizens of the Cherokee nation by virtue of Cherokee blood, and the right thereto.

"D 10094"

The contention of the applicant in this case is, That he is a Cherokee citizen by blood, That his name does not appear on the roll of 1880, because he was temporary out of the country, in fact during the time he was out, he was rail Roading, That he was employed by the M, K, & T, R, Company, about the year of 1880, when the Road was being built from Muscogee to Texas, That he remained in the employ up to the year of 1890, when he moved back in to the Cherokee nation, in 1895, then with his wife and ~~three~~ two children, That his wife soon died after returning to the nation, That he married a second white woman, that by them one child was born, That his second wife soon died after their said child was born, That in no act of his did he leave the nation as contemplated by the constitution, as affecting his right to citizenship in the Cherokee nation, That he became a citizen of no other country, that he taken no effects out of the country, but went to follow the vocation of rail roading, and by thus being employed, he subjected himself to such work as to requirer the traveling over a distance of over several hundred miles, by the order of his employer, That when he did return the authorities of the nation received him as if he had never been out at such work, That soon after his return in 1896, that he and his two children was paid their share of the payment of 1864, by an act of the national council, which act recognized the fact that his rights was not affected by his absence from the nation, And again by authority of the Cherokee nation, his name appears on the 1896, roll, with his two children That he has ever enjoyed the franchises of citizenship of said nation, That if his rights to citizenship was not affected by his absence aforesaid, Then he and his two children are entitled to be listed for enrolement by the honorable Commission, as Cherokee citizens thereof.

Respectfully submitted.

.....

Attorney for Applicants.

DE P A R TM E N T O F THE I N T E R I O R.

Commission to the Five Civilized Tribes

Muskogee I. T/ June 10th 1902.

In the matter of the application of Ephriam Thorn et al for enrollment as citizens of the Cherokee Nation.

Brief on part of the Cherokee Nation.

The applicant Ephriam Thorn appliesfor the enrollment of himself and two Children as citizens of the Cherokee Nation by blood; he contends that he is a Cherokee by blood that he was born and reared in the Cherokee Nation and that he left the Cherokee Nation about the year 1880 followin a railroad to the State of Texas where he was married and where he resided until after two children were born; he returned to the Cherokee Nation with his family about the year 1893.

There is no evidence except the statement of the applicant himself that he was ever recognized as a citizen of the Cherokee Nation. The evidence shows however, that he was married to his first wife on the 8th day of December 1883 in Grayson County, Texas,; the evidence further shows that his first child was born in 1888 in Texas and his second child was born in 1891 in Texas hence instead of spending mostof his time railroading on his way to Denison Texas we find the applicant a continuous resident of the State of Texas at least from 1883 until 1893, a period of ten years. His name does not appear upon the roll of eighteen hundred and eighty, which we contend was the only roll made by the Cherokee Nation in as much as the Census roll of 1896 was never completed confirmed or legalized by the Cherokee National Council but was a roll i course of preparation but in as much as never purged of the names not entitled to be thereon and in as much as the National Council refused to authenticate it it was certainly not considered b y the Cherokee Nation as a roll of the Cherokee Nation and therefore it has no binding force upon the Cherokee Nation.

We further contend that the Act of Congress which governs this Com-

mission confirmed the roll of eighteen hundred and eighty and that it was the intention of the said act of Congress to make this a basis or starting point and that when the name of any applicant did not appear upon said roll that was old enough for his name to appear thereon that it was necessary for him to be readmitted to citizenship subsequent to that time in order to be entitled to enrollment by the Commission at this time and in as much as the name of the applicant does not appear upon this roll and in as much as he was not readmitted subsequent to that time and in as much as there is no evidence except his own as to his previous Cherokee Citizenship and his Cherokee blood and in as much as by his own admission in the record of the testimony in this case that he was a resident of the State of Texas for a period of ten years we do not believe that under the law he is entitled to be enrolled as a citizen of the Cherokee nation at this time.

Respectfully submitted,

W. W. Hastings (E.)

J. C. S. Attorney for the Cherokee Nation.

IN THE MATTER OF THE APPLICATION OF

Elphraim Thorne Heirs

ENROLLMENT AC

CHEROKEE ROLL

A Original testimony Feby 12/01

B Mems. & application Feby 12/01

C Marriage license & cert.

D Birth cert. Affidavit of James H. Thorne,

E Marriage license & certificate

F Notice of final consideration, 3/19/02

Receipt for test. testimony

Supt test & order closing test 3/19/02

Jerry L. Todd

Atty

Cher D 1095

Cher D 1095

N1045

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 18 1901

ACTING CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 12, 1901.

In the matter of the application of Joseph R. McMurtrey for the enrollment of his wife and one child as Cherokee citizens; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Joseph R. McMurtrey.
Q How old are you? A 39 years old.
Q What is your postoffice? A Sallisaw.
Q In what district do you live? A Sequoyah.
Q Who is it you want to have enrolled? A My wife and baby.
Q You don't apply for yourself? A No sir.
Q Is your wife a Cherokee by blood? A Yes sir.
Q What is your wife's name? A Louisa E.
Q How old is she? A 31.
Q When did you and she marry? A In '97.
Q Have you a marriage license and certificate? A Yes sir.

The applicant presents a license issued by the Clerk of the United States Court, December 18, 1897, authorizing marriage between himself and Louisa Brackett. The certificate shows they were united in marriage on the 26th of the same month and in the same year by the Rev. R. D. Duncan. This is filed herewith.

Q How long has your wife lived in the Cherokee Nation? A I think she moved here in '89.
Q She's an admitted citizen, is she? A Yes sir.
Q Have you official evidence of her admission to citizenship?
A Yes sir.

The applicant presents a duly authenticated certificate of admission to Cherokee citizenship issued by the Cherokee Commission on citizenship showing that on April 24, 1889, certain persons were admitted, and among them appears the name of Louisa E. Brackett.

Q That is the name of your wife, is it? A Yessir.

This is accepted as official evidence of the admission of the applicant's wife as stated. This is filed herewith.

Q Your wife has then lived in the Cherokee Nation ever since she came in 1889? A Yes sir.
Q Give me the name of her father. A Benjamin Brackett.
Q Is he dead? A No sir, he's living.
Q Give me the name of her mother. A Amanda.
Q Is she dead? A No sir, she's living.
Q Give me the name of your child. A Bertie Bell McMurtrey.
Q How old? A Two years old.

The census roll of the Cherokee Nation examined and the name of the applicant's wife is found on page 1051, No. 68 as Louisa L. Brackett, in Sequoyah district.

Commissioner Breckinridge-

The applicant applies for the enrollment of his wife and one child. He is a white man and married his wife in 1897 under United States law, and makes no application for his own enrollment. His wife is shown to have been admitted to citizenship in 1889. He states that she came to the Cherokee Nation in that year, and has lived in the Cherokee Nation ever since. She is identified on the roll of

S- J.R.M.

1896. Her certificate of admission issued by the Cherokee Commission on citizenship is filed herewith. Her change of name is established by the marriage license and certificate filed herewith. The Cherokee representatives protest against the admission of all the members of this family, and the acts of the Court existing at the time of this admission, upon the alleged grounds of illegality: and for the further consideration of that matter, the applicant's wife will now be listed for enrollment as a Cherokee by blood on a doubtful card, and the final decision of the Commission will be made known to him at his postoffice address. When the Commission is supplied with a proper certificate of birth of the child of this marriage, Bertie B. McMurtrey, this child will also be listed for enrollment as a Cherokee by blood on a doubtful card with its father.

E.C.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the abovecase, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. C. Rothenberger.

Subscribed and sworn to before me this 13th day of February, 1901.

Commissioner.

FILED
MAR 25 1902

D. 1005.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 19, 1903.

In the matter of the application of Louisa E. McMurtrey for the enrollment of herself and children as citizens of the Cherokee Nation.

Applicant represented by J. H. Huckleberry, Sr., Sallisaw, Indian Territory.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter February 28, 1903, that her application for the enrollment of herself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, onthe 19th day of March, 1903. The applicant this day, to wit the 19th day of March, 1903, appears by her attorney.

The attorney for the applicant and the representative of the Cherokee Nation present submit the case; the same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

I, Arthur C. Croninger, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Arthur C. Croninger

Cherokee D-1098.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Louisa E., Bertie B. and Jessie E. McMurtrey as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on February 12,1901, Joseph R. McMurtrey appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of his wife, Louisa E. McMurtrey, and his minor child, Bertie B. McMurtrey as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 19,1902.

The evidence shows that the said Louisa E. McMurtrey was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on April 24,1889 under the name of Louisa E. Brackett, and that she was lawfully married to Joseph R. McMurtrey on December 26,1897. The said Louisa E. McMurtrey is identified on the Cherokee census roll of 1896. The minor child, Bertie B. McMurtrey is too young to be upon any tribal roll of the Cherokee Nation, but she is identified by a birth affidavit on file with this Commission.

On December 7,1901, there was filed with this Commission a birth affidavit duly executed by Louisa E. McMurtrey from which it appears that Jessie E. McMurtrey was born on November 1,1901; that he is the child of Joseph R. and Louisa E. McMurtrey, and that he was living at the date of the execution of the affidavit.

The evidence further shows that the said Louisa E. McMurtrey has resided in the Cherokee Nation with her husband since her admission to citizenship, and it is considered that the residence of the minor children has been that of their parents since birth.

It is, therefore, the opinion of this Commission that Louisa E. McMurtrey, Bertie B. McMurtrey and Jessie E. McMurtrey should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress, approved June 28,1898 (30 Stats.,495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED Tams Dixon.
Acting Chairman.

SIGNED T. B. Needles.
Commissioner.

SIGNED J. G. Brodrick.
Commissioner.

Muskogee, Indian Territory,

this NOV 12 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
ALLISON L. AYLESWORTH
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1095.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 20, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting the application of Joseph R. McMurtrey for the enrollment of his wife, Louisa E. McMurtrey, and his two minor children, Bertie B. and Jessie E. McMurtrey, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Acting Chairman.

Enclosure H. No. 35.

IN THE MATTER OF THE APPLICATION OF

Louisa E. Mc Murtry et al

A Declaration of testimony Feby 12/01

B Notice of application Feby 12/02

C Marriage certificate & Affd.

Certificate of admission

Birth certificate, Bertie B. Mc Murtry

Notice of final consideration, 3/19/02

Receipt for testimony

Order dispensing testimony 3/19/02

Cher D 1096

Cher D 1096

D 1096

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 18 1901

ACTING CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 13, 1901.

In the matter of the application of Clark W. Cumpton for enrollment as a Cherokee citizen; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Clark W. Cumpton.
Q How old are you? A 23 years old.
Q What is your postoffice? A Muskogee.
Q Do you live in the Cherokee Nation? A Yes sir.
Q In what district do you live? A Canadian.
Q Who is it you want to have enrolled, just yourself? A Just myself.
Q Are you a Cherokee by blood? A Yes sir.
Q How long have you lived in the Cherokee Nation? A I have been here about twelve years, I guess.
Q Where were you born? A I was born in Georgia.
Q Was your father or mother admitted to citizenship by the Cherokee Commission or Council? A My father was, my mother is a white woman.
Q Give me the name of your father. A Charles Cumpton.
Q Is he alive? A No sir, he's dead.
Q Give me the name of your mother. A Emma.
Q Is she alive? A Yes sir.
Q Your father, you say was a Cherokee by blood, and your mother a white woman? A Yes sir.
Q When was your father admitted to citizenship? A I believe it was in '77.
Q Have you any evidence of his admission? A I've got a certificate.

The applicant presents an official certificate from the Executive office of the Cherokee Nation to the effect that the records of the citizenship Commission show that in the case of Charles Compton, judgment was rendered in his favor June 4th, 1879. This is filed herewith.

Q When did your father come to the Cherokee Nation? A In the year '77, I believe.
Q Did you come with him? A Yes sir.
Q Did he live here from the time he came here in '77 until he died? A Yes sir, he did.
Q You speak of being here only for twelve years? A After his death I went away again.
Q When did he die? A He died in the year of 1880 or '81; I wouldn't be positive.
Q You were quite young? A Yes sir.
Q Did your mother come with him when he came here in '77? A Yes sir.
Q How long did she stay here? A She staid until after his death, and then she left.
Q Then she took you back to Georgia? A Yes sir.
Q She continued to live in Georgia? A No, she lives here.
Q Did you come with her when you came back twelve years ago? A Yes sir.
Q Where is your mother living now? A In the Cherokee Nation.
Q Where about in the Cherokee Nation? A About four miles east of here.
Q Has your mother applied to us for enrollment? A I don't believe she has; she has married again.
Q What evidence have you of the marriage between your mother and your father? A (Hands papers to Commissioner)
Q What was your mother's name before her marriage to your father? A Kirkes.

Q That was her maiden name, was it? A Yes sir.
Q Was she ever married before she married your father? A No sir.
Q Was your father married before he married her? A No sir.
Q And they lived together from the time of their marriage until your father's death? A Yes sir.

The applicant presents a certificate signed by the Rev. A. Thornburgh, under date of January 9th, 1901, to the effect that on the 16th day of September, 1875, he united in marriage John Compton and Miss Emma T. Kirkes. This is filed herewith.

Q Where does this clergyman live now? A In Chattanooga, Tenn., I think.
Q He stated that he married your father and mother in Walker County, Georgia? A Yes sir.

The applicant also presents a letter under date of January 9th, 1901, signed by R. W. Dickinson, Clerk of Walker County, Georgia, and written from said county, to the effect that the records of that county were destroyed by fire in 1883. This is filed herewith.

The Cherokee census roll of 1896 examined and the name of the applicant is found on page 16, No. 439, as Clark Compton, in Canadian district.

Q You say your father died in about the year 1880? A Yes sir.
Q And that your mother took you back to Georgia? A Yes sir.
Q Have you anyone here who was acquainted with your father and mother while they were in the Cherokee Nation? A I don't know. I suppose Judge Lowrey was.
Q Is he here? A No sir, he's not here.

Commissioner Breckinridge-

The applicant has filed official evidence of the admission of his father to Cherokee citizenship by the Cherokee Commission on citizenship in 1877. He states that his father and mother came to the Cherokee Nation from Georgia in 1877, and there lived until his father died about 1880, after which his mother returned with him, (an infant at that time), to the State of Georgia; that he returned to the Cherokee Nation some twelve years ago while still in his minority, and he has lived here ever since. He is identified on the roll of 1896. He files a certificate of marriage from the clergyman who is alleged to have married his father and mother, and a letter from the Clerk of Walker county, Georgia, to the effect that the marriage records of that county have been destroyed by fire. He states that neither his father or mother were previously married previous to the marriage between them. The applicant will now be listed for enrollment as a Cherokee by blood, but to await some personal testimony, identifying him more definitely as the child of his alleged father and mother, and to the effect that they were known in the Cherokee Nation as husband and wife, he will for the present be placed upon a doubtful card.

E.C.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony in proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. C. Rothenberger.

Subscribed and sworn to before me this 13th day of February, 1901.

Commissioner.

D1096

FILED
FEB 20 1909

ACTING CHAIRMAN

S U P P L E M E N T A L - T E S T I M O N Y .

CARD No. 1096.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEBRUARY 19th, 1901.

IN THE MATTER OF THE ENROLLMENT OF Clark Cumpton as a citizen of the Cherokee Nation - Card #1096.

HENRY C. Lowry, being sworn and examined by Commissioner, T. B. Needles testified as follows:

Q What is your name? A Henry C. Lowry.
Q What is your age? A Fifty two.
Q What is your Postoffice? A Muskogee.
Q Do you know Clark Cumpton? ? A Yes, sir.
Q Do you know his father? A I did know him.
Q What was his name? A Charlie.
Q Do you know his mother? A Yes, sir.
Q What is her name? A Mary.
Q Do you know whether they were ever married or not? A No, sir.
Q Do you know whether they lived together as husband and wife? A Yes, sir.
Q For how long? A I don't remember how long; a short time.
Q You say a short time? A Yes, sir. They were married when they came here.
Q Did you know them until the death of either of them? A Yes, sir.
Q Is his father or mother dead? A Yes, sir.
Q Which one? A His father is dead.
Q You knew them until his death? A Yes, sir.
Q Did they live together until his death? A No, sir.
Q They separated before? A Yes, sir.
Q Do you know Clark W. Cumpton is the child of Charles and Mary Cumpton? A Only what they claim.
Q So reported in the neighborhood? A Yes, sir; his father stayed with me before the mother came out.
Q They separated, did they? A Yes, sir.
Q Is Charles Cumpton living? A No, sir; he is dead.
Q Is Mary Cumpton, his mother, living? A Yes, sir.
Q What is his mother's name now? A Montgomery.
Q Was Clark born before you knew his father and mother? A Yes, sir; they came here with the Hayes family and were readmitted some time in the eighties.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 20th day of Febuary, 1901.

COMMISSIONER.

R 1096

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 26 1901

ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. February, 23rd, 1901.

S U P P L E M E N T A L testimony to be filed in cases, D-312 and D-1086

EMILY MONTGOMERY being called and sworn as a witness, before Commissioner T. B. Needles, testified as follows-

QWhat is your name? A. Emily Montgomery.
Q What is your age? A. 47.
What is your post office address? A. Muskogee.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q Do you know Clark W. Cumpton? A. Yes sir.
Q What relation is he to you? A He is my son.
Q What is his father's name? A. Charles Cumpton
Q Is Charles Cumpton living? A. No sir.
Q Were you ever married to Charles Cumpton? A. Yes sir.
Q Was he your first ~~xifexxxxxxfxxxxxx~~ husband? A. Yes sir.
Q Were y u his first wife? A. Yes sir.
Q Where were you married to him? A. In Walker County, Georgia.
Q When did you remove from there to the Cherokee Nation? A. In 1877.
He came out in 1877, we came out in 1878; this boy was born in 1877.
Q Where? A. In Georgia
Q Have you lived in the Cherokee Nation ever since then? A. No sir
went back once.
Q Did you live with Charles Cumpton until his death? A. No sir.
Q Were you seperated from him? A. Yes sir.
Q Have a legal divorce? A. Never was divorced.
Q You say that you were legally married to Mr. Cumpton? A. Yes sir
I have a certificate of marriage. My marriage license was burned up.
Q Did you live with Mr. Cumpton after he moved to this Territory? A
Yes sir.
Q How long? A. Nearly two years.

+ + + + + + + + + + + + + + + + + + + +

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Chas. von Weise

Subscribed and sworn to before me this the 23rd of February, 1901.

T. B. Needles

Commissioner.

COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 3 1902
ACTING CHAIRMAN

"R"

Cherokee D-1096.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 28,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Clark W. Cumpton for enrollment as a Cherokee citizen.

Appearances:
Applicant in person;
W.W.Hastings, attorney for the Cherokee Nation.

CLARK W. CUMPTON, being sworn and examined, testified as follows BY COMMISSION:

Q What is your name? A Clark W. Cumpton.
Q Where do you live? A Cherokee Nation.
Q Whatis your post-office address? A Muskogee.
Q You are an applicant before the Commission for enrollment are you? A Yes sir.
Q Do you submit your case to the Commission for final consideration? A Yes sir.

M.D.Green,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in thiscase and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this February 21,1902.

D A Tee

Commissioner.

Cherokee D 1096. 893

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Clark W. Cumpton as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on February 18,1901, Clark W. Cumpton appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of himself as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 19,1901; on February 23,1901, and on February 20, 1902.

The evidence shows that the said Clark W. Cumpton is a Cherokee by blood, and that he is the son of Charles Cumpton who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on June 3,1879, and that the said Clark W. Cumpton was a minor at that time. The said Clark W. Cumpton is identified on the 1896 census roll of the Cherokee Nation.

The evidence further shows that the said Clark W. Cumpton came to the Cherokee Nation with his father and mother about 1879; that his mother then took him to the State of Georgia where he remained until about the year 1889, when he returned to the Cherokee Nation, and has continuously resided therein since that time.

It is, therefore, the opinion of this Commission that Clark W. Cumpton should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress, approved June 28,1898 (30 Stats.,495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this SEP 20 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON J. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1096.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Clark W. Cumpton for the enrollment of himself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 113.

Clarke W. Cunningham

Original testimony Feby 13/01
Medical application Feby 19/01
Supplemental testimony Feby 19/01
" " Feby 23/01
Certificate of marriage
Letter from R. M. Patterson
Certified copy of [illegible] admission to citizenship
Order [illegible]

Cher D 1097

Cher D 1097

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 18 1901

ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 13, 1901.

In the matter of the application of George H. Brown for the enrollment of a sister, Abigail Brown, as a Cherokee citizen; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A George H. Brown.
Q How old are you? A I don't know my age: about 63.
Q What is your postoffice? A Lenapa.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to have enrolled, a sister you say? A Yes sir, Abigail Brown.
Q Why does not your sister apply for herself, is she very old? A She couldn't, she's over a hundred years old.
Q She just can't come? A No, she can't come.

The applicant presents letters of guardianship issued by the Judge of Cooweescoowee district on the 1st day of October, 1894, appointing him guardian of, Abigail Brown.

Q How long has this woman lived in the Cherokee Nation? A She never was out of the Cherokee Nation.
Q Lived with the Cherokees all her life? A Yes sir, all her life.
Q How long has she had this name of Brown? A All her life.
Q Why isn't she on the 1880 roll? A She was down in the Creek Nation, and here among the Cherokees, and I had her put on the strip roll; she never drawed before; she was here then, but she never drawed.

(The authenticated roll of 1880 examined and the name of the applicant's sister, Abigail Brown, is not found thereon.)

Q Is she your full sister? A Half sister, by my mother's side.

In the case of George H. Brown, the applicant who states that he is a half brother of Abigail Brown through hismother, said case being 6677 straight enrollment card, it is shown that George Harmer, who was identified as this George H. Brown, was decided by the Commission on Citizenship of the Cherokee Nation to be a descendent on his mother's side from Cherokee ancestors by blood and free born - being a lineal descendent of the sister of the late Judge James Brown of Sequoyah district, etc.,- and said George Harmer who was identified as this George H. Brown was admitted to all the rights, privileges and franchises of Cherokee citizenship in the Cherokee Nation. The official copy of the records of the Commission on Citizenship to the above effect is filed in the case referred to.

Q You say that you and this sister have the same mother? A Yes sir.
Q And you derived your rights through your mother? A Yes sir.
Q Did your sister ever apply to the Cherokee Commission on citizenship as you did to have her rights recognized? A No sir; she drawed before the war. She come to this country as an emigrant from Georgia.
Q When did you come from Georgia? A When I was a little child.
Q You lived in the Cherokee Nation ever since you were a little child? A Yes sir.
Q Now, you say when the roll of 1880 was made that your sister was in the Creek country? A Yes sir.
Q How long did she stay there? A About four years before the strip payment, and I went and got her, and I had a certificate made out, and she drawed her strip money.

Q How long had she staid there, say about 1890? A She was up about Chouteau then; she never was married; she just travelled around. She was never out of the territory. She divided the time
Q She divided the time between the Cherokee and Creek Nations?
A Yes sir.
Q She lived in the Cherokee Nation since about 1890, four years before the strip payment? A Yes sir.

By W. W. Hastings, representativeof the Cherokee Nation-
Q Did she draw money with the Cherokees in 1894? A Yes sir, and so did I.

Commissioner-
Q Did she ever draw money with the Creeks? A No sir.
Q She always considered herself a Cherokee? A Yes sir. I drawed her money in 1894 also.
Q You had these guardianship papers made out before you could draw this money? A Yes sir.

W.W.Hastings-
Q These papers were gotten out in October, that was after the payment? A Yes sir.

Commissioner-
Q Did she draw Indianmoney or freemen money? A Indian money.
Q How much did you draw? A Two-hundred-sixty some odd dollars.
Q She was included in that special act of the Cherokee Council?
A Yes sir. The freemen didn't draw as much as we did.
Q Did she have any other name besides Abigail? A Not that I know of.
Q When did your mother die? A Before the war.
Q How old was she when she died? A I don't know, sir, she died in slavery way before the war.
Q Have you any idea how old she was? A No sir, I don't.

(The strip payment roll of 1894 and census roll of 1896 examined, and the name of Abigail Brown, is not found).

By W. W. Hastings-
Q Was your mother a slave? A No sir.

Commissioner-
Q She died during the time of slavery? A Yes sir.
Q But she wasn't a slave herself? A No sir.
Q Are you the youngest child? A No sir.
Q How many children are they? A Seven; two went to California and three here yet.
Q How old is the youngest child? A Forty years old. The youngest one is living.
Q And there were still younger ones? A Yes. He went to California and died.
Q How old would the youngest be now if he were living? A I expect 35, I guess.

Commissioner Breckinridge

The applicant applies forthe enrollment of a half sister who he states is over a hundred years old, and incapable of applying for herself. He states that she and this half sister had the same mother. As shown in the testimony, the applicant was recognized and admitted as a Cherokee by blood by the Cherokee Commission on Citizenship on the 20th of January, 1880; it being

3-C.H.H.

stated that his citizenship was derived through his mother, and the official evidence to that effect being filed in case 6677 referred to in the testimony. He states that his sister has lived in the Cherokee Nation all her life, but that since being in the Indian Territory, she has divided her time between the Cherokee and Creek Nations down to 1890, since which time she has lived continuously in the Cherokee Nation. He files letters of guardianship issued by the Judge of Coowescoowe district in 1894, appointing him the guardian of this woman. His sister does not appear to have been recognized or admitted to citizenship as the applicant himself was by the Cherokee Commission on citizenship. The inference, of course, is strong that had she applied to the citizenship Commission, she would have been admitted, but the evidence shows that she never applied, and as a matter of fact never was so admitted. She is not identified on the roll of 1880, nor upon that of 1896, nor upon that of 1894. The applicant states that he drew her strip money of 1894 under authority of the special supplementary act of the Cherokee Council, granting said moneys to certain persons who had been omitted from the roll. The latter feature is the one upon which it is ventured to exercise jurisdiction at this time, but no decision will be rendered at present in regard to the status of this woman, and she will be listed as a Cherokee by blood upon a doubtful card for further consideration, and it is desired that her rights be considered as a freedman as well as a Cherokee by blood.

Examination continued by Commissioner-
Q Was this woman ever a slave? A No sir, never was a slave.
Q Been worth always? A Yes sir.

E.C.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. C. Rothenberger.

Subscribed and sworn to before me this 15th day of February, 1901.

Commissioner.

COMMISSION

FILED

MAY 1 1902

ACTING CHAIRMAN

D.1097.

Department of the Interior,
Commission to the Five Civilized Tribes,
April 17th, 1902, Muskogee, I.T.

In the matter of the application of Abigail Brown for the enrollment of herself as a citizen of the Cherokee Nation.

Applicant represented by I. P. Bledsoe, Agent, Chouteau, I. T.
Cherokee Nation represented by W. W. Hastings.

Case continued by agreement from April 5, 1902, to April 17, 1902.

COMMISSION: There is offered in evidence a certified copy of Senate Bill No. 29, an act making an appropriation to pay certain parties from Illinois District, the act having been approved on the 24th day of November, 1894.

There is also introduced a letter from B. W. Alberty, Assistant Executive Secretary of the Cherokee Nation, bearing date of April 8, 1902, addressed to I. P. Bledsoe, agent for the applicant in this case, relative to the name as it appears in the said senate bill No. 29. The documentswill be filed and considered for what they are worth.

COMMISSION: Are there any statements you desire to make? A No, sir.
Q Do you submit the case in behalf of the applicant? A Yes, sir.

The agent for the applicant and the representative of the Cherokee Nation present submit the case; the record in the same is deemed completed, and will be reported to the Commission for final decision based upon the evidence now of record.

—

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 23rd day of April, 1902.

Notary Public.

Cherokee D 1097

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Abigail Brown as a citizen by blood of the Cherokee Nation.

--:--

D E C I S I O N.

IT APPEARS FROM THE RECORD HEREIN: That, on December 13, 1901, George W. Brown appeared before this Commission at Muskogee, Indian Territory, and made application for the enrollment of his sister, Abigail Brown, as a citizen by blood of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said applicant is a Cherokee by blood who emigrated from the state of Georgia to the Cherokee Nation prior to 1880.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that said applicant has never been enrolled by the Cherokee tribal authorities as a member of the Cherokee tribe, or admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321).

It appears, however, than an act of the National Council of the Cherokee Nation, approved November 28, 1894, appropriated $265.70, to one Effie Brown, out of the Leased District Payment fund. A certificate issued by B. W. Alberty, Assistant Executive Secretary of the Cherokee Nation, states that the Effie Brown above

mentioned is identical with the applicant herein. Said act fails to recite that said applicant has been recognized as a Cherokee citizen and was entitled to said appropriation as such.

An Act of Congress approved May 31, 1900 (31 Stat., 221), provides:

> "That said Commission shall continue to exercise all authority heretofore conferred upon it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such. . . . . ."

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That, following the ruling of the Department in the case of Samuel Underwood (I.T.D. 7987-1902), it is without authority to receive, consider, or make any record of the application for the enrollment of Abigail Brown as a citizen by blood of the Cherokee Nation, and that it should decline to receive the same, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman

(SIGNED) T. B. Needles.
Commissioner

(SIGNED) C. F. Breckinridge.
Commissioner

Dated at Muskogee, Indian Territory,
this JUN 1 8 1905

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee D-1097.

Muskogee, Indian Territory, June 28, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, refusing to receive, consider, or make any record of the application for the enrollment of Abigail Brown as a citizen by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. S-7

(C O P Y)

Refer in reply
to the following:
Land
50392-1905

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

July 14, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 28, 1905, transmitting the record of the application made December 13, 1901, for the enrollment as a citizen by blood of the Cherokee Nation of Abigail Brown.

June 28, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant is a Cherokee by blood who immigrated from the State of Georgia to the Cherokee Nation prior to 1880.

It further appears that the applicant has never been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal.

In view of the record and of the act of May 31, 1900 (31 Stats. 221) the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C.F. Larrabee
Acting Commissioner

M.M.M.

W.

(C O P Y)

D. C. 37594-1905
I.T.D. 8372-1905
L R S

W.C.F.
F M S

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

August 2, 1905.

The Commissioner to the

Five Civilized Tribes,

Muskogee, Ind. Ter.

Sir:-

On June 28, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Abigail Brown, as a citizen by blood of the Cherokee Nation, including the Commission's decision of same date declining to receive said application.

Reporting July 14, 1905, the Indian Office recommended that the Commission's decision be approved.

It appears that Abigail Brown emigrated to the Cherokee Nation from Georgia prior to 1880, since which time she has continuously resided in the Indian Territory, dividing her time between the Cherokee and Creek Nations. She is a half sister of George H. Brown, who it appears, was admitted to citizenship in the Cherokee Nation by the commission on citizenship. The applicant has never been enrolled by the Cherokee tribal authorities as a member of the Cherokee tribe or admitted to Cherokee citizenship by any duly constituted authority.

It appears, however, that an act of the National Council of the Cherokee Nation approved, November 28, 1894, appropriated $265.70 to one Effie Brown, who from the certificate issued by the assistant executive secretary of the Nation is identical with the applicant herein. There is nothing in said act, however, that recognizes the applicant as a Cherokee citizen. The Commission held that it was without authority to receive the application under the act of Congress approved May 31, 1900, (31 Stats. 221), which provides:

> That said Commission shall continue to exercise all authority heretofore conferred upon it by law. But it shall not receive, consider or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof and duly and lawfully enrolled and admitted as such.

The Commission cited Departmental decision of January 17, 1903, in the case of Samuel Underwood, I.T. D. 7987-1902.

The Department concurs in the recommendation of the Indian Office in its letter of July 14, 1905, and the decision of the Commission to the Five Civilized Tribes is hereby affirmed.

Very respectfully,

(Signed) THOS RYAN
Acting Secretary

1 inclosure.

REFER IN REPLY TO THE FOLLOWING

Cherokee
D-1097.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 11, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

For your information there is inclosed herewith a copy of Departmental letter of August 2, 1905, affirming the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, rejecting the application for the enrollment of Abigail Brown as a citizen by blood of the Cherokee Nation.

Respectfully,

Tams Bixby

Acting Commissioner.

Incl. L-194.

GHL

IN THE MATTER OF THE APPLICATION OF

Abigail Brown

FOR ENROLLMENT AS

Orig. Petition filed Feby 13/01

Affidavit. Feby 13/01

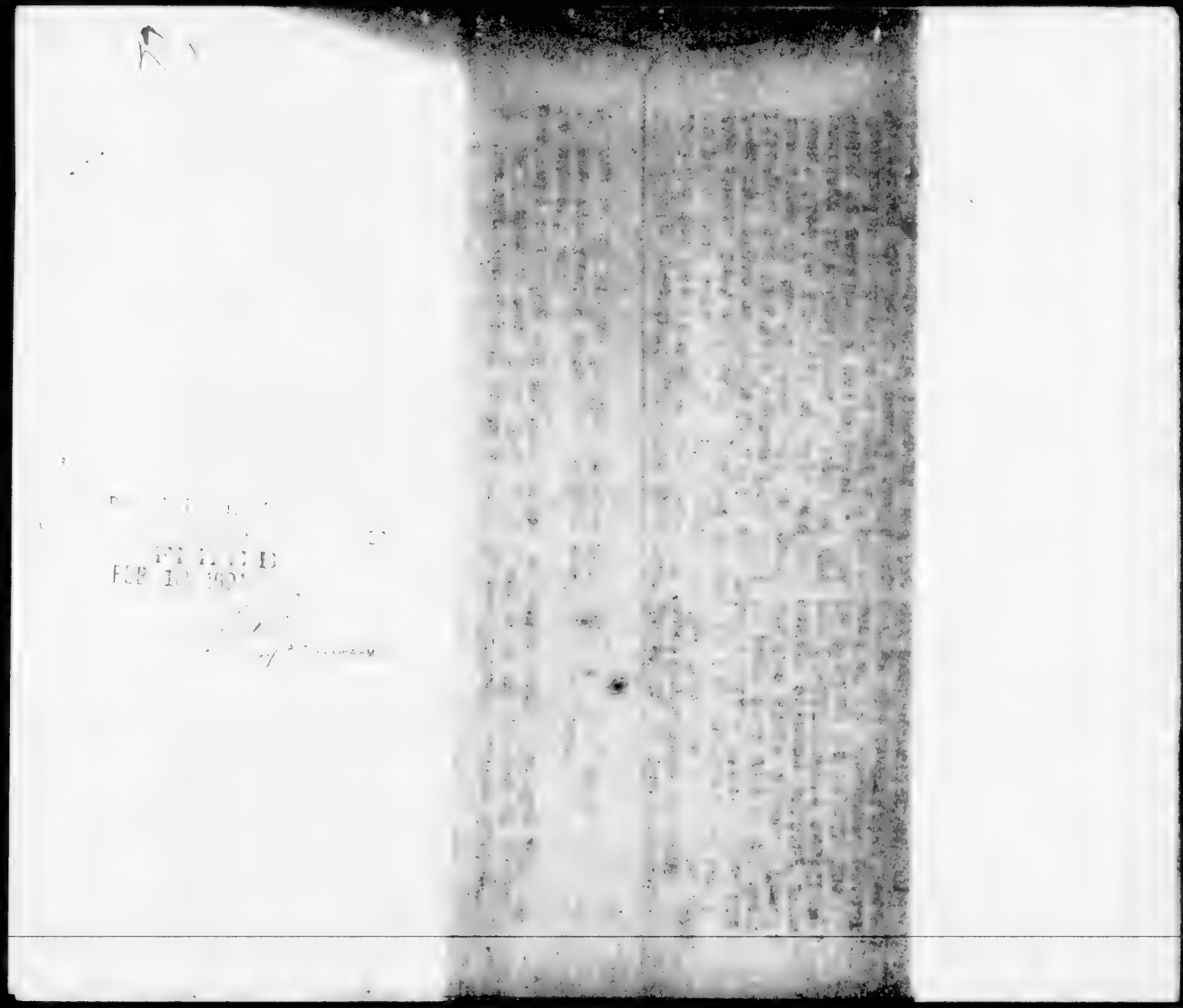
Letter of Guardianship

Notice of final consideration 3/19/02

Receipt for Testimony

Cher D 1098

Cher D 1098



DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 13th, 1901.

In the matter of the application of Crecie Louisa Hunter for enrollment as a citizen of the Cherokee Nation; said Hunter being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name A Crecie Louisa Hunter.
Q How old are you? A I was 25 years old the 26th of this month.
Q What is your post office? A Howe, Choctaw Nation.
Q You are living in the Choctaw Nation now, are you? A Yes, sir.
Q You are a Cherokee are you? A Yes, sir.
Q Who is it you want to apply for, just yourself? A Yes, sir.
Q You have no family? A Yes, sir.
Q What family? A My family is my mother and sister and brother.
Q I am talking about who you are going to apply for? A I am going to apply just for my own self.
Q You claim to be a Cherokee by blood do you? A Yes, sir.
Q How long have you lived in the Choctaw Nation? A I have lived in the Choctaw Nation going on four years.
Q Where did you live before that? A I lived up here in Coo-we-scoo-we- district.
Q You lived all your life in the Cherokee Nation, have you? A No, sir, I was born and raised in the Southern part of Texas and then we come from there to the Cherokee Nation.
Q When? A As nigh as I can remember in the year '94.
Q You came from Texas in 1894? A Yes, sir.
Q You had lived all your life before that in Texas? A Yes, sir; I was born and raised in Texas.
Q And then you lived in the Cherokee Nation from 1894 until about four years ago you went to the Choctaw Nation and lived there ever since? A Yes, sir.
Q Now, give me the name of your father? A Willie Askins.
Q Is he dead? A No, sir.
Q Give me the name of your mother? A M. L. Shirley.
Q M. L. Askins, she was your father's wife? A Yes, sir; the reason I give her name in as that, she and my pa parted and she has married again.
Q What is her name? A Shirley.
Q Were your people admitted to citizenship by the Cherokee Council of Commission on citizenship? A Yes, sir.
Q Have you any proof of that? A The only proof I have that is when we was registered; we was registered by my grandfather, he registered us.
Q What is the "L" in your mother's name for? A Lucinda, Mary Lucinda.
Q Is she a Cherokee by blood? A Yes, sir.
Q What is your father? A He is a white man.
Q You call yourself Crecie? A Yes, sir.
Q Is that your full name or is it Lucretia? A My grandfather when he writes my name he called it Lucretia, but I write it Crecie Louisa.
Q Your correct name is Lucretia? A Yes, sir, but I always write it Crecie.
Q You haven't a certificate of your readmission, or your mothers readmission to citizenship? A No, sir.
Q Have you any sisters? A Yes, sir, I have one.
Q What is her name? A Her name is Alice.
Q I see here a Lucinda Akin and Lucretia and Alice were readmitted to citizenship by the Cherokee Council December, 7th, 1889; that is your father is it? A Yes, sir.
Q And that Lucretia there must be you? A Yes, sir, that is me.

Q When did you say you came fro.. Texas, in 1894? A Yes, sir.
Q What time in 1894? A It was about the 25th of April when we come.

Com'r Breckinridge:--The printed list of admitted and readmitted citizens of the Cherokee Nation in possession of the Cherokee representatives present shows that on the 7th day of December, 1896, Lucretia Askin with other members of the family identified as such, was readmitted to citizenship by the Cherokee Council.

Q Now you have married? A Yes, sir.
Q What is the name of your husband? A John Hunter.
Q When did you marry him? A '96.
Q What time in 1896? A Seventh of May.
Q Have you a certificate of your marriage? A No, sir, I haven't got it, but he's got it.
Q Where is he? A He is not here; me and him have separated and when I left from where he was up there he had it and I ain't got it since.
Q Is he a Cherokee or white man? A White man.
Q Did he leave you or you le ve him? A No, sir; he left me.
Q Have you ever got a divorce from him? A No, sir.
Q Did he go away and leave you on the place where you and he were living? A Yes, sir.
Q Where is he now, do you know? A The last time I heard of him he was sent to the Pen and come back from there and married and has gone to Oklahoma now.
Q About how long wasit after you and he separated until he was sent to what you c l the "Pen?" A About six or seven months. He stold some cattle and was sent to the Pentitiary.
Q Where was that? A Up in Michigan.
Q You say he is out of the Pen now? A Yes, sir.
Q How long after you and he were married until you separated? A About a year~~xxxx

Q What is the name of this woman's mother? A Lucinda Askin.
Q Well she has married again has not she? A I understood she was; I don't know that she has, only what they tell me.

1896 Census roll of ritizens of the Cherokee Nation examined and applicant's name found thereon, page 184, #2464, as Lucretia Hunter, Coowescoowee district.

CRECIE LOUISA HUNTER, the Applicant, re-called, testified as follows:

Q How did you happen to be living in the ~~Choctaw~~ Choctaw Nation?
A Well when I went from down here I was with my Pa and he could not make a living and we went where we could make a living and try to support me.
Q Are you living with your father now? A Yes, sir.
Q And he is living in the Choctaw Nati on? A Yes, sir.

Com'r Brackinridge:--The applicant is shown by the printed list in the possession of the Cherokee representatives present to have been admitted to citizenship in the Cherokee Nation in 1889. She states that she came with her mother to the Cherokee Nation from the State of Texas in 1894, she being still a minor. She has lived in the Cherokee Nation from 1894 to some four years ago when she moved to the Choctaw Nati on where she has since lived. She is identified on the roll of 1896 and her change of name arising from marriage is established by her own and her grandfather's testimony, which is considered satisfactory. She is desired to supply the Commission with official copy of the record of the Cherokee Nation, attesting the Act of Council admitting her by the unofficial record cited. To await this document and for the consideration of any question that may exist in connection with her residence in the Choctaw Nation, she will now be listed for enrollment as a Cherokee by blood upon a doubtful card and the final decision of the Commission will be made known to her at her post office address.

---oOo---

J. O. Fosson, being fir t duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the t estimony and proceedings in his case, and that the fore oing is a true and complete transcript of his stenographic notes thereof.

J. O. Fosson

Subscribed and sworn to before me this 14th day of February, 1901.

Commissioner.

CD1098

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 28 1902

ACTING CHAIRMAN

Supl.-C.D.#1098.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 19, 1902.

SUPPLEMENTAL in the matter of the enrollment of CRECIE L. HUNTER as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 28, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902, and that she could on said date appear before the Commission either in person or by attorney when an oppertunity would be given her to introduce any further testimony affecting her application. The applicant having this day to-wit: the 19th day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---oooOOOooo---

I, J. O. Rosson, being first duly sworn, state upon my official oath as stenographer to the Commission to the Five Civilized Tribes, that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

Cherokee-R- 1098

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(8913)

In the matter of the application for the enrollment of Crecie L. Hunter as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on February 13, 1901, Crecie L. Hunter appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of herself as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 19, 1902.

The records of the Cherokee Nation in possession of this Commission show that Crecie L. Hunter was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation on December 7, 1889 under the name of Lucretia Akin. The evidence shows that she removed to the Cherokee Nation in 1894, and remained in said nation until about the year 1897 when she removed to the Choctaw Nation, and has resided therein since that time.

The said Crecie L. Hunter is identified on the Cherokee Census Roll of 1896.

The evidence further shows that the said Crecie L. Hunter was a resident of the Choctaw Nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Crecie L. Hunter should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898(30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this SEP 30 1902

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ATTORNEY AND SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1098.

Muskogee, Indian Territory, September 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Grecie L. Hunter for the enrollment of herself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 114.

IN THE MATTER OF THE APPLICATION OF

Lorena L. Hunter

FOR ENROLLMENT AS

CHEROKEE CITIZENS

Original testimony Feby 13/01

Illness. Feby 13/01

Notice of final consideration 3/19/02

Fr

Cl

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Cher D 1099

Cher D 1099

Department of State

Washington, D.C. 20520

FEB 1 [illegible]

ACTING CHAIRMAN

Memorandum of Conversation

Participants: [illegible]

[illegible]

[illegible]

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. February, 14th 1901.

In the matter of the application of Benjamin F. Crain, for the enrollment of himself, wife and children as Cherokee citizens; he being sworn before Commissioner C. R. Breckinridge, testified as follows—

Q What is your name? A. Benjamin F. Crain.
Q How old are you? A. 38.
Q What is your post office? A. Briartown.
Q In what district do you live? A. Canadian.
Q Who is it that you want to have enrolled, yourself and family? A Yes sir.
Q You have a wife have you, living? A. Yes sir.
Q How many children have you? A. Three.
Q Do you apply for yourself as a Cherokee by blood or as a white man? A White man.
Q You claim then as an intermarried citizen? A. Yes sir.
Q Is your present wife a Cherokee by blood? A. Yes sir.
Q What is the name of your present wife? A. Nannie Crain.
Q Is it through her that you claim citizenship? A. Yes sir, I claim through all my wives, I have been married three time.
Q Was your first wife a Cherokee? A. Yes sir, and my next two were.
Q You never married out? A. No sir.
Q To whom were you married first? A. Betsy Cullohoogee
Q She is dead is she? A. Yes sir.
Q When did she die? A. About 15 years ago.
Q She was a Cherokee by blood was she? A. Yes sir.
Q When did you marry her? A. I cant tell exactly.
Q About ow long ago was it? A. About 24 years ago.
Q Give me the name of your second wife? A. Susie.Timpson.
Q Is she dead? A. Yes sir.
Q Was she a Cherokee by blood? A. Yes sir.
Q How long has she been dead? A. About 8 or 9 years I guess.
Q How long did you and she live together? A. Three years
Q Did you live with her until she died? A. Yes sir.
Q Did you live with your first wife Betsy until she died? A. Yes sir.
Q So it has been some 11 or 12 years since you married Susie? A. Yes sir
Q Who was your next wife? A. Nannie Beavers.
Q This wife is still living? A. Yes sir.
Q Is she a Cherokee by blood? A. Yes sir.
Q Your wife Betsy was she ever married before she married you? A. No sir
Q Was Susie married before she married you? A. Yes sir.
Q How many times? A. Once.
Q That husband dead before she married you? A. Yes sir.
Q Was your wife Nannie married before she married you? A. No sir.
Q Did Susie, your second wife, live in the Cherokee Nation all her life? A Yes sir.
Q Give me her father's name? A. Dont know full name.
Q Know the name of her mother——her given name? A. No sir I dnt exactly
Q Your wife Nannie, has she lived in the Cherokee Nation all her life? A Yes sir.
Q And you and she have lived together ever since you were married? A. Yes sir.
Q Is she the mother of these three children? A. Yes sir.
Q How old is your wife Nannie? A. About 35.
Q Give me the name of her father? A. Thomas.
Q Do you know the name of her mother? A. Lizzie Campbell.
Q Is the father of your present wife living? A. Yes sir.
Q Is this woman, Lizzie, your wife's mother, living? A. No sir.
Q Give me the names of your children. A Dony
Q Boy or girl? A. Girl.
Q How old? A. About 8.

Q Next child? A. Bessie.
Q How old is she? A. Going on six.
Q Next child? A. Joseph.
Q How old is he? A. Little over two months old.
Q These children all living now are they? A. Yes sir.
Q Have you a certificate of your marriage to your present wife Nannie?
A I never called for it, married at Webber's Falls.
Q Any one here who knows that you and she were married? A No sir.
Q Where is your wife? A. Out at the wagon yeard across the track.
Q Did you have any children by your first wife? A. No sir.
Q First wife ever called Millie? A. Some called her that.

Upon an examination of the authenticated Cherokee roll of 1880 there is found on page 8, #313 thereof the name of Beng.F.Crain, in Canadian district. On page 51, #1415 thereof appears the name of Susie Timson in Canadian district. On page 3, #61 thereof appears the name of Nannoe Beaver in Canadian district.

Upon an examination of the 1896 census roll of the Cherokee Nation there appears the name of Benjamin F. Crain on page 86, #33, in Canadian district. On page 11, #293 thereof appears the name of Nannie Crane in Canadian district . On page 11, #294 thereof appears the name of Dora Crane in Canadian dist. On page 11, #295 thereof appears the name of Bessie Crane in Canadian district.

Q You say your second wife Susie has been dead some 8 or 9 years? A.Yes sir.
Q You married your present wife very soon after the death of your second wife? A. Yes sir.
Q About how long? A. Not very long.

NANNIE CRAIN, called and sworn as a witness testified as follows-

Q What is your name? A. Nannie Crain.
Q How old are you? A. About 25.
Q Are you the wife of Benjamin F. Crain? A. Yes sir.
Q How long have you and he been married? A. Been married about ten years
Q You all dont seem to be very clear in your ideas about time——did you know his wife Susie? A. Yes sir.
Q Was she dead when you married him? A. No sir, she was not dead but she had run off with another man. I know she left and was gone.
Q She run off from him? A. Yes sir.
Q What do you know about her being dead? A. Her brother got a letter saying she was.
Q Are you sure that that letter came after you and Benjamin F. Crain had married? A. Yes sir.
Q How long had you been married when that letter came? A. About a year
Q Where did this woman die? A. I cant tell where she died.
Q When did this letter say she died? A. Never heard the letter read.
Q You and your husband have lived together ever since you were married?
A. Yes sir.
Q Who married you? A.George Jennings.

Applicant re-called and examined by Commission-

Q How about this woman Susan being dead when you and your present wife were married? A. She run off and a fellow brought her back and she died right at her brothers house.
Q How far was that from where you lived? A. 7 or 8 miles.

Q How long before you married this woman was it that she died? A. Had been dead but a little bit.
Q What is the name of the brother at whose house this woman died? A. Thomas Sunday.
Q What is his post office address? A. Briartown.
Q Is he living there now? A. He was the last account I had of him.
Q What is this about a letter having come stating that your wife Susie was dead? A. She wrote that she was bad off sick and a fellow brought her back and she died at her brothers.
Q Is this letter that your wife referrs to the letter that came from Susie herself? A. No sir.
Q What wrote that letter? A. I dont know.
Q Do you know anything about it? A. No sir.
Q Dont you know who wrote that letter? A. I suppose that some ones that she was living with.
Q Did you receive that letter yourself? A. No sir.
Q Who did? A. I dont know.
Q How did you learn that your wife Susie was dead? A. She died some six miles from me.
Q Never learned it through any letter? A. No sir, this girl here was living below the Falls.
Q Who are you talking about? A. My present wife here.
Q She said that letter came back a year after you and she were married; did you ever hear of any letter coming? A. I heard something spoken about Susie writing .
Q You know that is not what I am taking about—I mean the letter saying that she was dead, A I dont know anything about a letter of that kind.
Q You dont know anything about any letter being received telling of the death of your second wife Susie? A. No sir.

MANNIE CRAIN re-called and examined by the Commission—

Q Who got this letter you speak of telling of the death of Susie? A. Tom Sunday.
Q Where did she die? A. I couldn't tell you about that, never heard the letter read and never asked,
Q Ever see the letter? A. No sir.
Q Just heard of Tom Sunday getting a letter? A. Yes sir. I also saw the woman that she was staying with and she told me that she was dead.
Q How long had you been married to this man when that woman told you that? A She just told me that this last summer.
Q That was the first time you heard of it except through this letter that Tom Sunday got? A. Yes sir.
Q And you heard of Tom Sunday getting this letter about a year after you and Mr. Crain had married? A. Yes sir.
Q Were you ever married before you married this man? A. No sir.

Applicant recalled and examined by Commission;

Q You told me in your testimony that you and your second wife Susie lived together as husband and wife until she died. A. I never paid much attention to it and I should have done so.
Q You dont seem to have paid much attention to anything. A She died directly after she went off.
Q How long did you and this woman Susie live together as husband and wife? Dont say hereafter that you haven't paid attention for I have put that question very plainly. A. We lived together about two years I reckon.

Q Now you told me that you married her two or three years after your first wife died and you now say that you and she lived together about two or three years? A. It was about two or three years.
Q You never paid much attention to that either? A. No sir.
Q How did you and she happen to part company? Q. I dont know—— I caught her with another man and I quit her and she left.
Q You claim that you found her guilty of improper conduct and quit her? A Yes sir.
Q Did you get a divorce? A. Yes sir.
Q Where? A. Webbers Falls.
Q Have you got a copy of the decree of divorce? A. No sir she got the divorce.
Q And yet you have sat here and told me that you and she lived together as man and wife until she died? A I was bothered.
Q There was nothing to bother you— you are not the kind of a man to get bothered. A Some times I get bothered,I have this here "cat-tar"(supposed to have meant catarrh) of the head.
BY COMMISSION OF NANNIE CRAIN—Have you lived in the Cherokee Nation all your life? A. Yes sir.
By Com'r Breckinridge,—
The applicant applies for the enrollment of himself, wife and three children. His wife is identified on the roll of 1880 as well as the roll of 1896 as a native Cherokee. She has lived in the Cherokee Nation all her life; her change of name arising from her marriage is satisfactorily established by her own testimony and by that of her husband, and she will be listed now for enrollment as a Cherokee citizenby blood. Her two older children,Dony and Bessie Crain are identified on the roll of 1896, they are living and will be listed for enrollment as Cherokees by blood. When the proper certificate of birth of the younger child Joseph Crain,is filed with this Commission,this child also will be listed for enrollment as a Cherokee by blood.
As for the application he makes for himself, he is identified on the rolls of 1880 and 1896 as an inter-married Cherokee, he being a white man. The wife to whom he was married in 1880 is said to have diedsome fifteen years ago; after her death he states that he married his second wife, Susie Timpson, whom it appears is also dead at this time, and who, under her maiden name is duly identified on the roll of 1880. The applicant stated that he lived with his second wife until her death and that he did not marry her until after the death of his first wife. He said also that he did not marry his present wife until after the death of his second wife. It appears from subsequent testimony that he and his second wife were divorced, and that she was not dead as he had testified,at the time of his marriage to his third and present wife. While he lays the blame of the seperation upon his second wife, yet it appears that the divorce was granted to her. The first aspect of this case was that the applicant had married his third wife without a divorce and while his second wife was still living. He is desired to procure a copy of the decree of divorce, and also to see if the applicant was guilty of abandonment of his second wife. He will be listed for enrollment as a Cherokee by intermarriage on a doubtful card for the further consideration and determination of his case. It is desired in this connection to get the testimony also of Thomas Sunday, whose post office address is shown by his enrollment to be Starvilla, and who is said to be the brother of his, the applicant's, second wife.

SUPPLEMENTAL TESTIMONY of Applicant,examined by Commission;

Q Can you give me the exact date of the marriage of you and your wife Nannie? A. No sir.
Q Who married you? A. George Jennings.
Q Where were you married? A. At Webbers Falls.
Q Is he living? A. Died just a few days ago.
Q Was he Clerk of the district? A. Yes sir.

Q Any one see you and her married? A. Her dad seed us married.
Q What is his name? A. Thomas Beaver.
Q What is his post office address? A. Webbers Falls.

Minnie Grain recalled and examined by Commissioner.

Q Do you know just when you and this man were married? A. I dont know exactly.
Q About how many years ago? A. About ten.
Q Married about two years before your child Bony was born? A. Yes sir.

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D1099

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 14 1901

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath. Can.

CHEROKEES BY BLOOD AND ADOPTION.

Date Feb. 14, 1900.

1381 Name Benjamin F. Crain

District Can. Brian Town P.O.

Year 1880 Page 8 No. 213

Citizen by blood no Mother's citizenship

Intermarried citizen yes

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.	Year	Page	No.	Age	
Dist.	Year	Page	No.	Age	
Dist.	Year	Page	No.	Age	
Dist.	Year	Page	No.	Age	
Dist.	Year	Page	No.	Age	
Dist.	Year	Page	No.	Age	
Dist.	Year	Page	No.	Age	
Dist.	Year	Page	No.	Age	
Dist.	Year	Page	No.	Age	
Dist.	Year	Page	No.	Age	

Wilson 1880 roll as B. Benj. F. Crain

" 1 copy of decree of divorce from second wife to be supplied

Date of last marriage to established

1094

"C"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 27 1901

ACTING CHAIRMAN

Suit for Divorce	Susie Crane Vs. B.F.Crane	Filed June 21st 1892. Served July 28 1892. No court at reg. Aug. Term 1892 on Account of sickness of Judge. Passed by default Apr. Term 1893.

Executive Office Cherokee Nation,

Tahlequah Ind.Ter.

I, B.W.Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the above is a true copy taken from the Circuit Court docket of Canadian District, Cherokee Nation for the terms of 1892 - 1893, now filed in this office and in my custody.

Given under my hand and the seal of the Cherokee Nation this the 16th day of February 1901.

B. W. Alberty

Assistant Executive secretary,

Cherokee Nation.

FILED
FEB 25 1901
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

D1099

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 27 1902
ACTING CHAIRMAN

---oooOooo---

Commissioner: The record in this case is now closed.

Attorney for Citizen Petitioner: I desire to offer in evidence the certificate of record.

Commissioner: The certificate will be admitted in evidence and made a part of the record.

Attorney for Citizen Petitioner: I desire to offer in evidence the application of Mary Ann Bell for enrollment as a citizen by blood of the Creek Nation, and ask that the same be made a part of the record.

Commissioner: The application will be admitted in evidence and made a part of the record.

Attorney for Citizen Petitioner: I desire to offer in evidence the testimony taken before Examining Attorney Wm. O. Beall on the 19th day of March, 1902, and ask that the same be made a part of the record.

Commissioner: The testimony

Supl.-C.D.#1099.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 19, 1902.

SUPPLEMENTAL in the matter of the enrollment of BENJAMIN F. CRAIN as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 28, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902, and that on said date he might appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any additional testimony affecting his case. He was further notified that the representatives of the Cherokee Nation would also at the same time be afforded an opportunity to introduce testimony tending to disprove his right to enrollment as a citizen of the Cherokee Nation, but that said representatives of the Cherokee Nation would first be required to notify the applicant before such testimony would be received.

The representatives of the Cherokee Nation make satisfactory proof of service on the said Benjamin F. Crain that it would at the offices of the Commission at Muskogee, Indian Territory, on the 19th day of March, 1902, offer testimony tending to disprove his right to enrollment as a citizen of the Cherokee Nation.

The applicant has this day, to-wit: the 19th day of March, 1902, been called and fails to appear either in person or by attorney.

TOM SUNDAY, being duly sworn, testified as follows through Interpreter Simon R. Walkingstick, on part of the Cherokee Nation:

By Mr. W. W. Hastings, Cherokee Representative:

Q What is your name? A Tom Sunday.
Q What is your post office? A Starvilla.
Q Did you know a white man by the name of Benjamin F. Crain?
A Yes, sir.
Q Did he marry your sister? A Yes, sir.
Q Her name Susie Tempson? A Yes, sir.
Q How long did he live with her? A Well, between three and five years.
Q Well, did he leave her or did she leave him, went away? A The man left the woman.
Q Well, where did he go? A He stated, it seems that he was going to say some other woman.
Q Did he take up with some other woman? A Yes, sir.
Q What was that other woman's name? A Her name was Nannie Beavers
Q Did he continue to live with Nannie Beavers? A Yes, sir.
Q Living with her yet? A Yes, sir; they are living together yet.

COMMISSION:

Q Is this Nannie Beavers a white woman or Cherokee? A Yes, she is part Cherokee and Creek.
Q Is she a recognized citizen of the Creek Nation or recognized citizen of the Cherokee Nation? A I think she is a citizen of the Cherokee Nation; her mother was Cherokee by blood.
Q D°es she live in t he Cherokee Nation?A Yes, sir.

Q Where? A They live just north of Webbers Falls.
Q Has he been living with her continuously since he left your sister? A Yes, sir.

Commission: The record in this case is now deemed completed and the same will be reported to the Commission for final decision based upon the evidence now of record.

---oooOOOooo---

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the proceedings and testimony had this day in the above application, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

FILED
FEB 17 1905
COMMISSION TO FIVE T...S

Cherokee-D-1099.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory. February 16, 1905.

In the matter of the application for the enrollment of Benjamin F. Crain as a citizen by intermarriage of the Cherokee Nation.

Benjamin F. Crain, being first duly sworn, testified as follows:

By Commission:

Q. What is your name? A. Benjamin F. Crain.
Q. What is your post office address? A. Porum.
Q. Cherokee Nation? A. Yes sir.
Q. You are a white man? A. Yes sir.
Q. Claim no rights as a citizen by blood? A. No sir.
Q. Claim as an intermarried citizen? A. Yes sir.
Q. Through whom do you claim your right? A. Nannie Crain.
Q. Is she a Cherokee by blood? A. Yes sir.
Q. On the final Roll? A. Yes sir, I enrolled for her when I was here before ---filed, I mean. I have got a little boy, and an affidavit sent to me, and I thought I would file for him.

Nannie Crain, wife of the applicant, is identified upon Cherokee Card number 7272 as number 1730 upon the final roll, approved by the Secretary of the Interior.

Q. Is Nannie Crain your first wife? A. No sir.
Q. How many times were you married before you were married to her? A. Two times.
Q. Were both of your former wives living at the time of your marriage to her? A. No sir.
Q. Had Nannie Crain been married before she married you? A. No sir. She was old man Beaver's daughter. Her maiden name was Beaver.
Q. Did you have a tribal license? A. I married at Webbers Falls under the Cherokee law.
Q. When were you married to her? A. About twelve years ago.
Q. You do not claim through Nannie Crain, do you? A. No sir, I have been a citizen ever since I married my first woman. All three of them were Cherokee women.
Q. What was the name of your first wife? A. Betsy Cul-a-hoo-yah.
Q. She was your first Cherokee wife? A. Yes sir.

Q. Was she married before she was married to you? A. No sir.
Q. Do you know when you were married to her? A. Not exactly, but it has been a long time ago.
Q. Did you live with her until she died? A. Yes sir.
Q. Then you married who? A. Susie Sunday.
Q. When did you marry her? A. I married her --- let me see-- it will be --- well, I lived with the first woman 9 years and the year after she died I married Susie.
Q. How long did you live with her? A. Susie?
Q. Yes? A. Two Years.
Q. Then what took place? A. She talked about getting a divorce from me. You see, we quit. She may have got the divorce. We quit, and then she wanted to come back and I wouldn't let her, and then she died.
Q. Was she dead at the time you married Nannie Beaver? A. Yes sir.
Q. Since you married your first wife where have you lived? A. A. Right at Briartown.
Q. Cherokee Nation? A. Yes sir
Q. Have you always lived in the Cherokee Nation from the time you married your first wife up to and including September 1, 1902? A. Yes sir, all the time. Always lived in the Canadian District.
Q. Do you know the date of your marriage to Nannie Beaver? A. It has been about twelve years.
Q. Do you know what month? A. No sir, I don't, exactly.
Q. Approximately? A. Along in the fall of the year, or the late summer.

WITNESS EXCUSED.

Eula Jeanes Branson, being duly sworn, states that, as stenohrapher to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 16th. day of February, 1905, and that the above and foregoing is a correct transcript of her stenographic notes taken in said cause.

Eula Jeanes Branson

Subscribed and sworn to before me this the 17th. day of February, 1905.

Edwin Guess
Notary Public.

C. D. 1099.

Benjamin F. Crain.

Statement by Thomas Sunday.

Thomas Sunday states that Benjamin F. Crain was married to Susie Timpson, his sister, and lived with her about two years in Canadian District, and after about two years, Benjamin F. Crain took up with Nannie Beavers, the woman he is now living with, and commenced living with her as his wife, and left Susie living at the home place.

Susie after a short time left the home place, and went up in Cooweescoowee District, and after Susie left, Benjamin F. Crain moved into Susie's home place with his present wife, Nannie Beavers. Susie remained up in Cooweescoowee District about two years, when she took sick, and Thomas Sunday sent for her, and they brought her to his house, and she died next day. She did not run off with another man, and while Susie was up in Cooweescoowee District she was hired out as a servant girl, and worked for wages , and was working for her living when she took sick and died.

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977
Bettie Mitchell	985
John J. Harrison	993
Jasper N. Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E. Hair	1090
Norman S. Drake	1092
Susan Hogg	1094
David L. Scott	1099
James C. Taylor	1111
Roxie Shepard	1128
Robert G. Elgin	1136
William Hall	1137
Mary Ella Lattimore	1141
Maggie J. Keys	1149
Joseph M. Correll	1177
Jane Ratley	1225
George E. Norton	1234
Mahala D. Thompson	1247
Charles M. Trammel	1264
Flora Carlile	1265
William H. Norrid	1275
Olivia Benge	1276
Dollie Wilson	1278
Moses Bell	1279
Sarah Fleetwood	1290
Rosa E. Fargo	1299
William M. Oliver	1333
Andrew J. Couch	1340
Lina Hyles	1347
Mary M. Miller	1350
Mary E. Taylor	1368
Polly Ann Benge	1369
Margaret Moton	1385
Minnie McKinney	1390
Nettie Seabolt	1418
Lawrence G. Faulkner	1433
Sarah A. Holt	1449
Jennette Polecat	1492
Ellen Seabolt	1508
Charles W. Nettles	1509
Lena Sittingdown	1511
Tim Creeden	1513
Odie Pidcock	1517
Silas A. Saterfield	1529
Laura J. Jeremiah	1530
Etta Hicks	1540
Mary A. B. McKinney	1550
Millie Morton	1554
Andrew Walters	1573
John H. Holder	1610
Mary M Burr	1612
Thomas E Bonham	1644
Florence Headrick	1663
Daisy B. Brewer	1709
Annie Cordrey	1717
Adam Eckert	1722
Isaac Timmons	1726
Gent Gibson	1727
Amos Anderson	1731
William J. Mounts	1734
James D. Alexander	1745
Willis E. Miles	1769
Lora Adair	1781
John Yarborough	1796
Lillie M. Dassler	1802
Bryant C. Redington	1804
Malisa A. Maxwell	1808
Richard Dukes	1811
Fannie Pettit	1816
Genevia Pool	1817
Mollie Crossland	1822
Lizzie Benge	1828
John H. Welty	1847
Edward P. White	1884
Lauren P. Green	1887
Charles Rosser	1898
Fay Adair	1913
Henrietta Irving	1920
Bird Trippard	1925
John C. Carlile	1937
John W. Gilstrap	1954
Sarah Young	2018
Nancy A. Coleman	2049
James N. Whisenhunt	2118
Hiram Stephens	2157
Asa L. Guinn	2159
Rebecca J Flying	2172
Thomas J Measles	2192
Julia Coody	2215
Sarah Crutchfield	2224
Henry E Lee	2251
Sarah Gritts	2256
John A Madden	2261
Henry C Pennel	2271
Matilda S. Cleland	2302
Dona A Frazier	2312
Laura B. Cordrey	2320

Lafayett D. Kindred	2328
Pearl V. Sisson	2339
Nancy J Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
William T. Jones	2501
Sarah L. Martin	2502
William J. Shoemaker	2506
Maud Baldridge	2511
James L. Townsend	2513
George L. Morgan	2568
Andrew A. Brown	2575
Louis K. Fair	2623
James L. Mitchell	2644
Martha E. McNair	2659
Millard F. Eggleson	2668
Elisha M. Gray	2686
Jessie M. Ballard	2694
Annie Mayes	2798
Belle Sixkiller	2809
James P. Riley	2825
William Broaddus	2854
William A. Martin	2865
Joseph Q. Buchanan	2888
Marcellus L. Baker	2905
Etta M. Hill	2915
John R. Smith	2922
Ira W. Wallen	2926
John B. Laurence	2959
Lula O. Hitchcock	2961
Bell L. Muskrat	2975
Eliza O'Field	2977
Margaret Suagee	2993
Winfield S. Nance	3007
Benjamin F. Kelley	3010
Mollie Daugherty	3039
Charles H. Leatherman	3043
Alice A. Edwards	3100
Dorinda Adair	3106
William R Gray	3118
Dora B. Caulk	3143
Jesse M. Gallman	3161
Martha E. Garrett	3162
Artie E. Large	3164
Andrew A. Kelley	3191
Anna B Ryne	3193
Eliza Henderson	3198
David E. Jenkins	3212
Lizzie Falling	3233
Robert L. Payne	3252
William A J Trotter	3257
Albert P. Goforth	3298
Anna B Martin	3307
William Brown	3344
Jennie B. Bluejacket	3345
William Little	3377
Julia M. A. Russell	3386
Andrew J Smith	3393
William N. Blakemore	3396
Lizzie Denton	3417
Belle Hudson	3435
Thomas S. Heady	3437
William M. Roseborough	3444
Madison G. Hawkins	3467
Japhat F. Ellis	3491
Emma McAffrey	3543
William T. Huitt	3570
Myra F. Chouteau	3580
Phillip Donohoo	3581
Fred L. Kelley	3593
Annie Herod	3594
Maggie V. Fields	3615
Lou Payne	3616
Frederick W. Strout	3692
Andrew L McCamish	3713
Sarah Dirtthrower	3731
William P Coble	3758
Robert L. Madison	3761
Mariah McDowell	3795
Elizabeth R Thornton	3811
Donithan A. Wilson	3841
Charles F. Covey	3868
Tamsey M. Williams	3886
Mary J. Wolfe	3889
Lathan Lumbard	3891
Micajah P Haynes	3897
Annie L. Wingfield	3903
Mary Fields	3907
William W. Dudley	3944
Minnie M. McLaughlin	3950
Henry B. Lindsey	3978
Wilbert H Parkison	3999
Seth R Hall	4011
Wiley Hanna	4016
Martha M. Woods	4093
Lizzie Gray	4117
Nancy C Carey	4131
Annie E Kenney	4165
William H. Ward	4169
Nannie Brewer	4189

Nancy J. Kinney	4225
Sydney E. Bell	4232
Isaac H. Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R. Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T. Morrison	4294
Perley Israel	4295
William A. Long	4304
Mollie Swannock	4319
Frances Guess	4324
Allen H. Gibson	4327
John McFall Jr.	4343
Albert W. Fitzsimmons	4360
George S. Ford	4386
Quinn Carr	4387
William A. Powell	4390
Austin Hasley	4400
Anna Bible	4414
Elizabeth Riley	4428
John P. Sudderth	4449
Anderson Keen	4450
Ida M. Adams	4451
Martha J. Randall	4457
Mollie Conner	4477
Jane McGhee	4491
Jennie Riley	4525
Hannah Randall	4528
Charles W. Childers	4542
Nannie B. Riley	4543
John W. McDaniel	4544
Minnie Armstrong	4548
Ada Chouteau	4549
Mary Thompson	4571
Ota Armstrong	4593
Mary Spencer	4594
Clarkson F. Woody	4603
James M. McConnell	4604
Annie E. Coker	4605
Jennie Long	4606
Julia Gilstrap	4607
Laura E. Smith	4608
Annie Nicholas	4609
Minnie R. Taylor	4611
Mary E. Rogers	4614
Emma Downing	4615
William Steere	4619
Roxie J. Ketchum	4623
Lizzie Love	4626
Robert K. Wann	4632
Frederick Metzner	4633
John C. Bratcher	4634
Piqrow L. Jones	4641
Ada Bertholf	4642
Alice Robbins	4644
Jane Dougherty	4649
Samuel Francis	4650
Clemon C Peek	4652
Mont C Frazier	4653
Frank J Mayberry	4656
Charles W Moore	4660
Jefferson D. Edmondson	4661
Alonzo H Boone	4662
Thomas C. Mock	4668
Sallie Allison	4669
Elizabeth E. Burgess	4671
LaFayette Breeden	4673
James M Boling	4676
Francis A Neilson	4681
John F Smith	4689
Rufus S Steward	4691
John I Haddock	4694
Maggie O Walkley	4695
George W. Talbert	4698
Mary Miller	4700
Henry C. White	4707
Mattie E Hill	4760
Alice A Bible	4772
Katie Coker	4785
John Creek	4801
Ruby R Bean	4804
William J Dodson	4836
Blackburn Reed	4882
Viola Lowther	4891
William B Ritchson	4910
Henry D McDonald	4950
Della McDaniel	4956
Dorothy Ratthunggourd	4991
Ida McCay	5093
Henry M Lyon	5100
Alice J Wofford	5101
Nancy Morris	5137
Ella Sullivan	5140
Winfield Wilhams	5144
Bessie M Smith	5145
May Humphrey	5207
Donnie Burgess	5235

Nora B. Burgess	5236
John E. Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H. Wells	5261
John T. Gaylor	5266
Annie Sweeten	5269
Rosalee Hendricks	5278
Emma Chambers	5328
James H. Thomas	5329
Melville B. Baird	5332
James R. Goodall	5356
Charles Horton	5390
James W. Goddard	5417
Dora Cox	5425
Nannie G. Alberty	5438
Sallie Ward	5455
William H Sutherlin	5484
Lizzie Hall	5487
Cyrus B. Essex	5489
Eda Taylor	5493
Laura Taylor	5494
Elector D Miller	5496
Emberson M Arnold	5498
Stella Henry	5499
William E Oneal	5506
John M Sharp	5509
John L Davis	5514
Sarah E Downing	5518
Samantha C Glass	5524
Harry Jones	5525
Aggie Paris	5532
James W Hallford	5535
Phoebe Coker	5537
Anthony K. Douglas	5538
Joseph H Johnson	5541
Harvey O Riggs	5547
Alice Glass	5553
Addison Reeves	5566
Alice Coats	5572
Julia Kidd	5575
William R Greer	5576
Rosa M Sixkiller	5581
Nancy Inlow	5587
Dansey H Owen	5599
Annie R C Owen	5600
Jesse McKnight	5602
Cicero J Strange	5610
Henry Westenhaver	5611
Emma H. Roach	5612
William A. Polson	5613
Paulina P. Pitcher	5614
Charley Headrick	5615
William N. Stinson	5616
Lenora A. Henry	5621
Effie M. Adams	5622
John H. Shimp	5624
Thomas B. Dickson	5625
Minnie Henry	5628
Thomas J. Simpson	5629
Cap L. Lane	5630
Reuben E. DeLozier	5631
John Heape	5640
Perry G. Brock	5645
Mary J. Newcomb	5650
George W. Seigel	5660
Martha A Parks	5666
Zelda C. Mills	5674
Lizzie Rogers	5675
Emma Pigeon	5676
Nellie Bluejacket	5677
Lucy Bacon	5679
Thomas B. Wood	5681
Asa W. Simerson	5683
William J. Kuhn	5686
Elsie Couch	5688
William H. Robinson	5692
Rachel Washington	5693
Isaiah B. Blackwood	5700
John R. Johnson	5701
Dennis W. Smith	5702
William H. Chesnut	5705
William H. Durham	5707
Albert B. Buckmaster	5710
Maud Crutchfield	5730
Joseph S Layne	5731
Lena Bell	5737
Juan N. Corn	5748
Robert N. Crafton	5750
Benjamin F Coffee	5756
Frank McSpadden	5760
Charles D Pendleton	5775
Harden H Green	5776
Emma J Ward	5778
Robert C Fuller	5781
Henry F Extine	5796
Ida Wyly	5802
Richard L Fite	5815
Edward Lutz	5816
John F. Woodworth	5829

Horace H. Huddlestun	5832
William R. Sartain	5837
Joseph A. Lawrence	5843
William H. Hinton	5846
Joseph Lehr	5851
Euin M. Young	5852
Mary C. Barnes	5853
Matilda Thompson	5861
William W. Young	5872
Earley F. Ellis	5874
Rosa B. Alberty	5877
Sarah Cannon	5879
Mamie Beck	5887
Jack H. Merchant	5888
John D. Merchant	5889
Sarah E. Ghormley	5894
Jerry Young	5906
James H. Brickey	5916
Mary Hicks	5919
George W. Weems	5922
Albert Crain	5923
James M. Jones	5932
Alfred W. Shelly	5935
John M. Stratton	5936
Waddie Hudson	5937
Robert C. Johnson	5939
Mary T. Thompson	5941
Edith A. Parris	5943
Addie Hubbard	5949
John A. Lowry	5962
John R. W. Brantley	5963
James T. Carroll	5964
Christopher F. Jordan	5965
Minerva E. Stover	5966
John W. Twilley	5967
Joseph W. Mounce	5970
Cornelius P. Potter	5971
Amanda C. Thompson	5972
John M. Rusk	5976
Harrison L. Hughes	5978
Silas B. Dildine	5983
Lewis M. Payne	5985
Nancy Beamer	5988
Sarah F. Selvidge	6002
Posy F. Buckner	6005
John A. Moreland	6010
Alice Welch	6015
Mary C. Thompson	6022
Ida Beck	6029
William R. Tittle	6030
George C. Duffield	6031
Amelia Reese	6033
Alexander West	6036
John Tootle	6037
Florence G. Langley	6038
John T. Ham	6042
Mary L. Jordan	6048
John W. Bradshaw	6076
James L. Dean	6079
Amanda J. Thompson	6082
Malissa Hubbard	6089
Jane Benge	6111
John D. Ryals	6113
John C. DeLozier	6117
Jessie Willis	6118
Mary A Clark	6124
Mary J. Tipton	6126
Leander Newton	6136
William A. Qualls	6138
Henderson B. Thomas	6144
Hugh T. Watkins	6163
Nancy Keys	6172
Berry Hutchins	6186
Eli Parker	6189
Sarah E. Shaw	6194
Julia Keys	6211
Boon J. Grey	6214
John Grubb	6216
William M. Costephens	6230
Jane Bean	6232
Lillie I. Taylor	6236
Abbie B. Adair	6239
Mack C. Watkins	6246
Robert W. Murray	6261
John G. Petty	6269
Lucinda Poorboy	6279
Sarah Mayes	6286
Henry W. Pyeatt	6300
Isaac A. Wilson	6308
John T. Hall	6310
Edward L. King	6315
Katie Still	6325
Emmer Carlile	6338
Bird Webster	6347
Fannie Morris	6353
Leonard Lee	6357
James R. Miller	6362
James Brackett	6370
Nora Allen	6371
John T. Washington	6373

James J. Snider	6375
William H. Winget	6376
Ida R. Wilkerson	6383
George A. McBride	6385
Matilda Cookson	6387
William A. Fisk	6392
William O. Ames	6394
Thomas Wilkerson	6396
Alice C. Springston	6407
Fanny N. Witt	6413
Lillie M. Adair	6424
Mark F. Matheson	6428
Ida L. Wilson	6431
George E. Marrs	6441
Ulysses S. Reeves	6443
Daniel A. Smith	6447
Henry J. Dawson	6450
Sarah Adair	6452
Ida F. Wilson	6455
Mary E. Taylor	6459
Catherine Henson	6468
Charles C. Fitzsimmons	6471
Mary E. Campbell	6476
Columbus N. Long	6478
Mary Wilkerson	6480
Myrtle Ward	6484
Belle Manus	6499
Martha E. McLain	6508
Mary A. Brown	6517
Marion M. Ballew	6530
Mellie Mayfield	6540
Sarah Blevins	6541
Frank Powell	6542
Georgia Jackson	6546
Leonard S. Simpson	6549
Almira Ussrey	6560
James McInerney	6561
Fannie Carlile	6578
Sadie A. Mayfield	6580
Silas A. Bryan	6581
William S. Martin	6585
Emma J. Thompson	6589
Lydia McDaniel	6593
David W. Lamb	6595
Gus R. Hart	6603
Poca Phillips	6632
Lois E. Daniel	6678
William W. Turner	6689
Lillie B. Blackstone	6714
Mary Lillard	6715
James L. Lee	6717
Rosa Phillips	6723
Kate Brown	6735
Laura B. Barnett	6743
Elizabeth Sanders	6745
William T. Neff	6747
William R. Scott	6751
Laura Fish	6770
Maggie Ketcher	6779
Dora A. McDonald	6783
Rosia B. Willis	6785
Daniel Hubbard	6787
Mary R. Tadpole	6801
Magnus A. McSpadden	6811
Sarah F. Pathkiller	6824
Clora Twist	6845
Mattie M. Welch	6846
Cora Griffin	6850
John S. Hyatt	6853
Jefferson K. Tyner	6855
Flora R. Miller	6859
Lizzie Craig	6872
Jacob C. Johnson	6876
George W. Ware	6897
James B. Deatherage	6901
Lucinda F. Hartness	6943
Frances E. Tehee	6961
James M. Burt	6965
Rady Tipton	6975
Laura Hendricks	6976
Laura V. Smith	6979
Lorenzo C. Darnell	6988
Robert M. Mitchell	7004
William Henry Reeve	7005
James Pyle	7009
Willie Hilderbrand	7015
Alice M. Roberson	7031
Charles Morris	7043
Minerva J. Trent	7051
John H. Keith	7078
Katie E. Ratley	7080
Etta Patrick	7081
Nannie Martin	7090
Rosa B. Harris	7094
Samuel Brown	7100
William H. Turner	7101
Florence Mayes	7104
Maggie McCoy	7112
Mary Belle Cordry	7113
Benjamin Haner	7119

James Maher	7128
Terry A Parkinson	7146
Cora L Hanks	7147
Otto J Zufall	7149
Rufus M Norman	7155
Mary F Foreman	7158
Alma West	7159
James M. Connally	7161
Francis M Crowell	7163
Fannie E. McClure	7171
Benjamin B Graham	7176
Ada Phariss	7180
William L. Whisenhunt	7184
Frances B Perry	7191
Philip Shultz	7210
Hester A. Miller	7212
Minnie B Edmonds	7213
Eliza Jordan	7217
William T Ross	7218
Thomas M Price	7225
James G Wilson	7231
Frank Rhomar	7263
John W Thompson	7267
Melissa Booth	7271
Solon L. Jackson	7273
Henry W Coughran	7282
Sarah Ross	7291
Mary S. Smith	7322
John A Martin	7323
Myrtle Robinson	7330
Allen L. Buckner	7331
James L. Goad	7350
Elijah Johnson	7351
Mary E. Kimbrough	7360
Jennie Burr	7367
Kiasay Sapsucker	7378
Sarah J. Johnson	7394
William I Branan	7409
Wyatte T. Brady	7412
Lena O. Holderman	7413
Mary F. Hummingbird	7420
Bertha A. Allen	7425
Robert J. Tyner	7426
Fannie B. Martin	7434
Myrtle Wolfe	7435
Mary Blevins	7479
Sarah Ketcher	7488
Charles D England	7512
May Cochran	7544
Rebecca Oglesby	7549
Robert B. Collins	7556
Nancy I. Brown	7579
Mary B. Walkingstick	7642
Robert T. Kelleam	7653
Mollie Morton	7797
Mattie Girty	8006
Mack Alfred	8015
Ida Harmon	8016
Ida McCoy	8417
Rosie Foreman	8903
Annie Jackson	9034
Margaret T. Langley	9092
Ida M. Davis	9266
Nora Crapo	9289
Margaret Harmon	9378
Mary B. Langley	9438
Ella Gravitt	9439
William M Wilson	9444
David O Scott	9446
Harriett Forbes	9447
John Carver	9449
Thomas J. Davis	9451
Clara M. Boudinot	9453
Mary E. Keys	9454
John G. Ainsworth	9456
Mary J. Christy	9460
Malinda Seabolt	9462
Mary Cumpton	9464
Mollie P. Mulkey	9465
Andrew Brimmer	9467
James F Flippin	9471
William Bird	9473
Mollie C Forbes	9476
William H. Thomason	9478
Mollie Devine	9481
Mary P. Guthrie	9482
Detlev N. Leerskov	9484
Nannie Cowart	9485
Leona Catcher	9489
Alexander B. Clapp	9502
Tennie Sanders	9503
Virgil A. Wiltshire	9505
Joshua K. Carr	9510
Herbert Kneeland	9518
Hugh E. Hope	9519
Thomas J. Ritter	9522
Martha Baldridge	9529
James R. Poindexter	9535
Maud Foreman	9539
Belle Bryant	9542

Joseph P. Smith	9550
George E. Watkins	9552
Florence Henry	9553
Jesse H. Johnson	9560
Lydia B. Barger	9561
Mary Jane Thomas	9562
James F. Petty	9563
Laura McCrary	9566
Joel D. Smith	9568
William T. Cave	9572
William Bugher	9577
James M. Smith	9582
John E. Nazworthy	9583
Beverly L. Lafon	9587
Robert L. Gentry	9590
John C. Barker	9591
John P. Greenwood	9593
Henry Hayes	9596
Ella Cornwell	9598
Asa A. Hedrick	9599
William C. M. Robinson	9600
Woodrow Hadley	9612
William T. Gregory	9613
Charles M. Keys	9616
Bate O. Reed	9618
Joseph E. Feland	9623
Florence C. Smith	9625
Charles M Cox	9630
Otis S. Skidmore	9634
William H. Hundley	9635
Thomas A. McDonald	9636
Annie Sanders	9638
Mack H. Martin	9640
Mary Ward	9653
George Givens	9658
Pheney Poorboy	9660
Charley Kiper	9671
Andrew J. Snider	9672
William T. Barton	9684
Daniel Crail	9770
Mary M. Motte	9771
Lecia E. Herrin	9854
Gailen E. Carrick	9855
Rosa B. Barger	9857
Rachel Foreman	9858
Serepta C. Willis	9861
Virgie Seabolt	9864
Annie Cannon	9867
Isabella McCoy	9874
Robert E. Dry	9875
William G. Brown	9879
John B. Delay	9881
Pairlee Thompson	9882
Guenther W. Werther	9883
Margaret Crittenden	9884
Moses L. Morris	9889
Sarah L. Rogers	9891
Stephen Duncan	9892
Gideon D. Sleeper	9895
William A. Maddin	9896
John H. Horton	9904
Howe L. Rogers	9905
William Rush	9912
George W. Edens	9916
William H. Hall	9920
Edith B. Pheasant	9935
Carrie A. Collins	9936
Lucinda Spriggs	9937
Ella F. Hail	9939
John W. Harris	9949
Hannah Raper	9942
John J. Coughran	9945
Youra F. Waybourn	9946
Louisa J. Taylor	9947
William M Evans	9948
William F. Pierce	9940
May F. Chambers	9950
Albert Stevenson	9954
Henry Kiefer	9955
Sarah Bean	9956
Zeno M. Cox	9964
Jerusha E. Blair	9965
Elias Kyle	9991
Ida Cushman	9992
James W. Fleming	9994
Samuel Holmes	9995
Walter H. Talley	9997
Hannah J. Miller	9998
Clara V. Ward	10002
Stephen W. Pittsenberger	10005
Mary E. Palmour	10008
William T. Partin	10011
Nellie Fields	10013
Sarah A. Dawes	10015
Willard E. Hutchins	10016
Jesse Talbert	10020
Julia E. Setser	10021
Amanda E. Howell	10022
Mamie J. Rogers	10023
Nannie Rogers	10024

James B. Bradshaw	10025
Ida L. White	10026
Addie B. Miller	10027
William R. Condry	10028
James D. Canary	10029
John Kelley	10031
Kate Craig	10033
John A. Butts	10034
John J. Dameron	10035
William Warner	10036
George A. Allen	10037
Watie Shetley	10038
John E. Carter	10039
John M. Boyd	10043
William Fister	10047
Darius B. Troth	10049
Harry A. Kelley	10050
Mary E. Purcell	10051
Myron L. Bronson	10052
George W. Taylor	10053
Josie Lowther	10054
Fannie D. Perry	10055
Minnie B. Williams	10056
Solomon Copeland	10058
Etha B. Wood	10059
James Pace	10060
Wiley B. McElhaney	10062
Nancy Patrick	10063
James R. Stout	10072
George Parker	10073
Laura Morton	10074
John D. Kelly	10075
Nettie Swift	10078
Maggie Baldridge	10079
David R Stubblefield	10080
Thomas J. C. Thompson	10081
Cora P. Harlan	10082
William L. Singleton	10083
Lester Evans	10084
Ellen Mayfield	10085
Ella Bray	10087
David J Matthews	10094
Thomas Brown	10100
Houston J Payne	10103
Malinda E Scudder	10104
Henry Odell	10105
Fred Macy	10107
Mary Russell	10108
Thomas B Brown	10109
Samuel L Milligan	10111
Millie A Carnes	10113
Lucy E. Robards	10114
Edward H. Fitzgerald	10115
John T. Pickard	10117
Charles Rains	10118
Nancy Mayfield	10123
Anna B. Tittle	10124
Richard A. Clark	10126
Emma B. Martin	10128
Walter L. Bates	10129
Nellie Brewer	10130
William Heffernan	10131
Levi Ackley	10132
Bessie Davis	10133
Eva Brackett	10135
Caleba Carnes	10136
Jacksie M. Waybourn	10138
Minnie Shutt	10139
Charles L McClure	10140
William W Russell	10141
Delia Jenkins	10142
John A Hood	10143
Oba Maxfield	10145
Mary L Cloud	10146
Callie Inlow	10147
Everett M Lowrence	10148
Dora E Hays	10150
Julia M Schrimsher	10151
Parmelia E Lyman	10153
Charles F. Trickey	10161
Louisa J Palmour	10169
George L Walker	10170
Annie Taylor	10171
Josie Winters Hall	10174
Alice Nichols	10181
Lizzie Dry	10182
Emma Murray	10183
Annie Winton	10187
Marian Evans	10188
Elizabeth J. McClain	10192
Eliza J. Price	10199
Rissie Still	10200
Hannah E. Langley	10201
Alma Keith	10203
Flora A Terrill	10204
Talesphora A. Paradee	10205
Samuel Shadix	10206
Mary E. Childers	10207
Robert M. Hamilton	10208
Julia Billingslea	10209

Nannie Martin		10210
Sarah A. Fields		10214
Susie Henderson		10216
Charles H. Rienhardt		10218
William H. Watkins		10221
Frank M. Rucker		10222
Henry C. Reed		10224
Laura B. Timberlake		10226
George A. Brown		10228
Drucilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M. Cooter	D	17
Martin L. Stokes	D	28
Peter Walters	D	44
Columbus M. Reeves	D	58
Sarah Barnes	D	103
George T. Kiddy	D	108
Henry C. Agent	D	139
Joseph Phipps	D	147
Henry Hilton	D	149
David A. McGlamery	D	161
Maggie Doublehead	D	169
Annie Lovett	D	180
Nora Hood	D	184
John A. Johnson	D	232
Nathaniel G. Simpson	D	242
Oncico W. Head	D	244
Etta Taylor	D	245
Susan V. Sullivan	D	262
Levi H. Tackett	D	263
William H. Connelley	D	264
Julia A. Sullivan	D	284
May Fields	D	297
Katie Hummingbird	D	308
William F. Sager	D	320
Lovick P. Garrison	D	334
Henry Grubb	D	338
Lucy F. Lacey	D	340
Callie Blevins	D	341
James S. Alfrey	D	355
Shadrack C. Wallen	D	368
Ada Hall	D	376
Jane M. Hicks	D	396
Fannie L. Dupree	D	403
Willis Battles, Jr.	D	404
Joshua W. Ellis	D	413
Nina B. Owen	D	450
John M. Ridenour	D	458
Emery S. Thompson	D	464
Joseph Reed	D	468
Adolphus J. Hallum	D	483
Alexander Walker	D	490
Albert J. High	D	491
America Matoy	D	501
Moses L. Grazier	D	503
Myrtle Hall	D	509
Wallace Thursday	D	544
Thomas W. Baker	D	546
Mattie E. Keys	D	550
William S. Edwards	D	560
Susan L. Reed	D	572
William H. Lyman	D	574
Gracia Davis	D	577
Edward C. Bolen	D	582
Dora Guthrie	D	585
Samuel H. Hawkins	D	594
Lula M. Purcell	D	600
Ben Estes	D	603
Thomas M. Reynolds	D	621
Arthur Dodge	D	622
Carrie L. McNair	D	624
Constantine N. Walker	D	641
Joseph Davis	D	648
Leander A. Keys	D	650
James J. Barndollar	D	655
Nathan J. Brink	D	682
William S. Miles	D	688
Emma Waybourn	D	698
Dora E. Rogers	D	708
James W. Turley	D	709
Lizzie Ward	D	711
Robert J. Holly	D	713
Belle I. Quinton	D	728
Francis M. Boothe	D	734
Amos W. Lord	D	746
Agnes N. Childers	D	749
John E. Renfrow	D	752
William Coon	D	759
Louis Bruere	D	779
Georgia A. Waybourn	D	786
Eliza Fields	D	787
William H. Brown	D	788
William A. Cox	D	793
Charles A. Robison	D	799
Artha Williams	D	800
Adam Gearhart	D	806
Cicero F. Rogers	D	855
Annie Garrett	D	856
George S. Yarborough	D	875

Rhoda A. Sanders	D	878
Manuel Spencer	D	884
Benjamin H. Hulbert	D	891
Mary Brassfield	D	935
James L. Tindle	D	944
Silas G. Reneckar	D	966
Eliza Wofford	D	967
Jasper L. Newton	D	971
John N. Guinn	D	974
Hannah Parson	D	989
Nellie C. Helterbrand	D	1003
Thomas J. Welch, Jr.	D	1006
Lizzie Christian	D	1010
George Hazlewood	D	1013
James M. Jones	D	1022
Reuben A. Evans	D	1032
Carrie H. Cobb	D	1049
John M. Burns	D	1069
Sarah E. Henson	D	1083
Laura D. Henson	D	1086
Hettie E. Downing	D	1090
Benjamin F. Crain	D	1099
Benjamin Strickler	D	1129
Nancy Spaniard	D	1130
Annie Wilson	D	1131
Ora H. Maxwell	D	1135
Reuben W. Moore	D	1136
Cora Childs	D	1146
Janie Hughes	D	1179
Francis B. Reid	D	1180
Martha Carey	D	1195
Christina Johnson	D	1199
Louvenia Ironside	D	1208
Martha J. Henson	D	1218
David A. Martin	D	1228
Fred D. McEnery	D	1235
Nathaniel R. Martin	D	1261
James H. Requa	D	1266
Frank Carver	D	1267
Etta B. Payne	D	1270
Mary Garrett	D	1271
Joe W. Goodman	D	1272
Mathew J. Flanigan	D	1274
Lizzie C. Holland	D	1285
Etta Downing	D	1291
William Caywood	D	1296
Clarence W. Turner	D	1307
Alfred Chaney	D	1313
Euphemia Sweetwater	D	1314
Etta Russell	D	1319
Ella Vann	D	1320
Linnie Wofford	D	1330
Minnie Downing	D	1332
Katie Rider	D	1334
Samuel G. Mills	D	1337
Alfred H. Woods	D	1342
Cynthia Whitekiller	D	1352
Susie McSpadden	D	1361
Martha J. Houston	D	1363
Samuel M. Collier	D	1367
Katy Payne	D	1369
Joseph H. Warren	D	1375
Mattie Miller	D	1433
S. F. Moore	D	1434
Addie Schrimsher	D	1448
Fannie Vann	D	1458
Marcella Blakeney	D	1474
G. W. Williamson	D	1555
C. F. Walker	D	1558
Louisa Blevins	D	1567
Frank Cowles	D	1581
Mary Francis Madding	D	1637
Thomas Rodman	D	1661
Katie Still	D	1866
Ira Creach	D	1913
D. A. Mounts	D	1967
J. C. Sefton	D	1991
Jennie Holland	D	2024
Lou Sanders	D	2216
Caroline Barnes	D	2591
Lacey Crane	D	2592
Daisy Cash	D	2595
Hiram A. Landers	D	2599
Charles Neel	D	2603
Mattie Robinson	D	2605
Jennie Rich	D	2606
Alexander C. Russell	D	2607
Pricilla Ross	D	2608
Tom W. Reeves	D	2609
Mary Smart	D	2612
Rufus Tidmore	D	2613
Jasper Turquitt	D	2614
Mabel West	D	2618
Ophelia West	D	2619
Cora Whisenhunt	D	2620
Katy Martin	D	2667
Willis Butler	D	2686
Claud Barger	D	2687
Dixie Conner	D	2698
John Culwell	D	2699

Herbert F. Couch	D	2700
Albert C. Dykes	D	2703
Delora Drew	D	2704
Frank F. Danderson	D	2705
James Gafford	D	2708
Anna L. Harlin	D	2715
William R. Lipsey	D	2717
Bertha Landrum	D	2718
Lila More	D	2722
John D. Mathews	D	2723
Mary McIntosh	D	2725
Bertha Nidiffer	D	2730
Richard Nichols	D	2731
William S. Ross	D	2738
Irene Riley	D	2739
William H. Rowley	D	2740
Colombus C. Scroggins	D	2741
Della Summers	D	2743
William S. Sage	D	2744
Eliza Thomas	D	2748
John P. Thurman	D	2749
Mary E Davis	D	2770
Jessie Frick	D	2774
Enna Butlington	D	2788
Will Black	D	2789
Maggie E Davis	D	2792
Thomas Dotts	D	2793
William Daws	D	2794
Nancy Dawson	D	2796
Lena Fields	D	2797
Effie Grayham	D	2798
Alice C. Hill	D	2799
Bertha H. Harlin	D	2800
Margrett C. Hudson	D	2801
Joseph A. Kelley	D	2803
Andrew O. Kepler	D	2804
Josephine King	D	2805
Sarah Jane Birdsong	D	2806
Marion Maddox	D	2807
John A McKenzie	D	2808
Ione McGee	D	2809
Ollie Miller	D	2810
William A. Martin	D	2811
Jesse P Morrow	D	2812
Oliver Mason	D	2813
Edna Whitehead	D	2814
Charley Nuckolls	D	2815
Etta M Nidiffer	D	2817
Louizer Ossowee	D	2818
William H. Patterson	D	2820
Samuel A. Parkhurst	D	2821
Ellen Rogers	D	2822
Elijah Rolland	D	2827
Endora Steele	D	2828
William M. Stucker	D	2829
Sallie Tauuneacie	D	2831
Mary Tassle	D	2832
John F. Wolf	D	2835
Ruth A. Ward	D	2840
Winnie Daugherty	D	2884
Mary Guthrie	D	2885
Lydia Long.	D	2886
Edda Roberts	D	2887
Manda Ward	D	2889
Elmira J. Alberty	D	2905
Thomas C. Cordray	D	2906
Edward Fowler	D	2907
Dora Foreman	D	2908
Parker Holt	D	2909
John Haston	D	2910
Georgie Harlin	D	2911
Percillia Johnson	D	2913
Bettie Morton	D	2915
Samantha Spade	D	2917
Mariah Ward	D	2918
Ellen Watt	D	2919
Nora Morten	D	2920
Lizzie Anderson	D	2981
Francis Duval	D	2984
Wade S. Hayes	D	2987
James A. Hankins	D	2988
Joseph Hardee	D	2991
Tennie Horn	D	2992
Eveline Hall	D	2993
John E. Leftwich	D	2995
Mattie Henson	D	2994
John D. Colvard	D	2998
Charles W. Phillips	D	2999
Sarah Shanks	D	3000
Nettie Young	D	3009
Jerry P. Ables	D	3048
Almedie Ross	D	3052
John S J. Fowler	D	3055
Leaner Hood	D	3056
James D. Jackson	D	3057
Emma G. Nelson	D	3058
Alice Simco	D	3059
George O. Wallace	D	3060
Fannie Clay	D	3078
Ellen Drew	D	3079

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

.....

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

Thomas Sunday

Star villa P T

D J 18, 1?

Mr Wm Hastings

Dear Sir

I will Write you what I
know of the Separation
I say Ben crane is the
cause of Separation Because he took
up with another woman & left
my Sister & hired a man to come
her a way then he went to her Place
my Sister this Lied Ben crane
has claimed Right here ever since

Thomas Sunday
Star Villa
D J

41 D1099

FEB 28 1902

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
Cherokee D-1099

Muskogee, Indian Territory, February 28, 1902.

Mr. Benjamin F. Crain,

Briartown, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 19 day of February ,1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application, that you may deem necessary.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with your certificate of marriage to your present wife.

Register.

Yours truly,

Commissioner in Charge.

Acting Chairman.

I, hereby accept service of the within

on this the

Thomas Lumsden

SUBPOENA.

INDIAN TERRITORY, }
Cherokee Nation, } ss.

TO ANY LAWFUL OFFICER:

You are commanded, in the name of the Cherokee Nation, by authority of an Act of the National Council of the Cherokee Nation, entitled "An Act making provision for the representation of the Cherokee Nation in the completion of the roll of the citizens of the Cherokee Nation, and for other purposes," approved by the Principal Chief of the Cherokee Nation, December 19, 1901, and by the President of the United States, January 20, 1902, to summons

Thomas Sunday, Starville, I. T.,

to be and appear before the United States Commission to the Five Civilized Tribes, at Muskogee, I. T., on the 19, *day of* March, *, A. D. 1902, then and there to give evidence in such contested citizenship cases as the representatives of the Cherokee Nation may desire.*

Dated March 12, 1902,

Walter Keating R

C. D. 1099.

No.

Attorneys for the Cherokee Nation.

ATTORNEYS
L. B. BELL
W. W. HASTINGS
J. S. DAVENPORT
J. C. STARR, Secretary

...OFFICE OF...

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. C. D. 1099.

Muskogee, I. T., March 12, 1902.

Mr. [illegible] Dunlap,

Starvilla, I. T.

Dear Sir:

Inclosed [illegible] subpoena for you to appear before the Dawes Commission at Muskogee on the 14th day of March, 1902. Kindly accept service of the same by signing the blank at the end thereof and at the last of the subpoena and return it to us by first mail; and also advise us if you will be here promptly at that time.

Yours truly,

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss

In the matter of the application of

Benjamin F Crain for enrollment as a Cherokee ~~Freedman~~ citizen.

No. I. D. 1099.

Arthur G Evans, of lawful age, being duly sworn on oath states that on the 12th day of March, A. D., 1902, he registered to Benjamin F Crain whose postoffice is Briar Town, Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Muskogee Indian Territory; and that on the 21st day of March, 1902, he received the return card which is hereto attached, signed by the said Benjamin F Crain, showing that he had received said notice.

Arthur G Evans

Subscribed and sworn to before me on this the 21 day of March, A. D. 1901.

J C Starr

Notary Public.

CD. 1099

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of .....A. D. 190...

Given under my hand this..... .....
day of..... .....A. D. 190..

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the ..... day of ..... , 190...

.....
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ..... A. D. 190....

.....

Subscribed and sworn to before me this .....

.....
Notary Public.

NOTICE!

IN THE MATTER OF the application of Benjamin F. Grain, for enrollment as Cherokee citizens:

Case No. D 109.

To Benjamin F. Grain, Prior Town, I. T..

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of [illegible], Indian Territory, on [illegible], or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this [illegible].

[illegible]

[illegible]

Attorneys for the Cherokee Nation.

Cherokee-D-1099

Muskogee, Indian Territory, June 9, 1902.

Mr. Benjamin F. Crain,

Briartown, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a citizen by intermarriage of the Cherokee Nation, you are required to appear before the Commission at its office in Muskogee, Indian Territory, and submit further testimony in regard to your residence in the Cherokee Nation.

You will be allowed until June 29, 1902 to comply with this requirement, and you are advised that it is highly important to a proper determination of your application for enrollment that you take proppt action in this matter.

Yours truly,

Acting Chairman.

Register.

D

Cher. D 1099

Muskogee, Indian Territory, January 10, 1907.

Benjamin F/ Crain,

Briartown, Indian Territory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-100
LMC

4763

REFER IN REPLY TO THE FOLLOWING:
Cherokee D1099

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 14, 1907.

Benjamin F. Crain,
Briartown, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

Commissioner.

RPI

DEPARTMENT OF THE INTERIOR

Commissioner to the Five Civilized Tribes

Muskogee, Indian Territory, March 9, 1907.

NOTICE IS HEREBY GIVEN that the undersigned, the Commissioner to the Five Civilized Tribes, has been designated by the Secretary of the Interior, as the official to make and approve appraisals of the value of improvements upon land in the Cherokee Nation which were made prior to November 5, 1906, by white persons who intermarried with Cherokee citizens prior to December 16, 1895, and who have the right under the Act of Congress approved March 2, 1907 (Public 180), to sell improvements.

NOTICE IS FURTHER GIVEN that former claimants to citizenship by intermarriage who have made permanent and valuable improvements on lands of the Cherokee Nation and who claim the right to sell the same under and by virtue of said Act of Congress of March 2, 1907 (Public 180), must appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, and designate the land upon which are located the improvements which they claim the right to sell by virtue of said Act; and if any such intermarried citizen shall fail to appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, it will be considered that he makes no claim to the benefits conferred by said Act. Such appearance and designation of improvements must be made before the Commissioner at his office in Muskogee, Indian Territory, at any time between Monday, March 11th, 1907, and Saturday, March 30th, 1907, inclusive, or at any of the following named places between the dates named at which places the Commissioner will have a representative to receive said designations and hear testimony relative thereto:

Bartlesville, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Tulsa, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Claremore, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Nowata, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Vinita, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Pryor Creek, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Tahlequah, Ind. Ter., Monday March 18, 1907, to Saturday March 23rd, 1907, inclusive.

Sallisaw, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Designations must be made in person by the intermarried white claimant, or in case proper proof is made that he is physically unable to appear, by some adult member of his immediate family, or in case proper proof is made of the fact that the intermarried white claimant is physically unable to appear and has no adult member of his immediate family, by a person holding a properly executed power of attorney; provided, that in every case the designation must be made by a party familiar with the character, ownership, location and value of the improvements to be designated. At the time of said designation the testimony of any competent person will be taken by the Commissioner as to the location, character and value of said improvements.

No former intermarried white claimant will be permitted to designate improvements upon more land than he would have been entitled to take in allotment for himself had he been admitted to citizenship. If any intermarried white claimant has made a tentative selection of a full allotment he will not be allowed to designate improvements upon other land.

NOTICE IS FURTHER GIVEN that if any citizen of the Cherokee Nation entitled to select an allotment shall claim that the improvements on land tentatively selected by a former intermarried white claimant, or held by him, do not belong to said intermarried white claimant, or makes any adverse claim to said improvements, or to the right of the intermarried white claimant to sell said improvements under the Act approved March

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All persons interested should take careful note of the limitation of time herein provided for, within which designations and complaints may be made, and that they must be made by appearance before the Commissioner.

TAMS BIXBY,
Commissioner.


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Department of the Interior.
Commissioner to the Five Civilized Tribes,
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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEBUARY 14th, 1901.

IN THE MATTER OF THE APPLICATION OF Charles W. Seago for the enrollment of himself, wife and children as citizens of the Cherokee Nation, and the said Charles W. Seago, being sworn and examined by Commissioner, C. R. Breckinridge testified as follows:

Q Give me your full name? A Charles W. Seago.
Q How old are you? A I am thirty four years old.
Q What is your Postoffice? A Caddo, Indian Territory.
Q In what district do you live? A That is not a district; I live in Blue County, Choctaw Nation.
Q You are living in the Choctaw Nation? A Yes sir.
Q What is it you want; to be enrolled? Have you and your family been put on the Choctaw Rolls? A I reckon so.
Q Did you appear before this Commission to be enrolled as Choctaws; at what place did you make your appearance? A At Caddo.
Q When? A Last August a year ago.
Q Do you claim to be Choctaws or Cherokees? (No response)
Q You have a wife, have you? A Yes, sir.
Q And how many children? A Six.
Q You are not entirely certain as to whether your people will be accepted as Choctaws or Cherokees and you want to find out about that? A Yes, sir.
Q Are you a Cherokee by blood? A No sir.
Q What are you? A I am a white person.
Q When did you marry your wife? A I married her in '88.
Q Where did you marry her? A Blue County, Choctaw Nation.
Q Have you and your wife lived in the Choctaw Nation ever since you were married in 1888? A Yes sir.
Q And have you lived together ever since? A Yes sir.
Q Were you ever married before you married her? A No sir.
Q Was she ever married before she married you? A No sir.
Q Did you ever draw Cherokee Strip Money? A No, sir.
Q Did you ever apply to be put upon any roll of the Cherokee Nation? A Yes sir.
Q Is this your wife here present? A Yes, sir.
Q When did you apply? A I don't remember just that date; when they was registering for the strip money.
Q And they would not take you? A No sir, they would not take me.
Q So you are not on any roll at all of the Cherokee Nation?
A No, sir.
Q Now give me the name of your wife? A Amanda Adelaide.
Q Does your wife claim to be a Cherokee or a Choctaw?
A She claims both.

AMANDA ADELAIDE SEAGO, being sworn and examined by Commissioner, C. R. Breckinridge testified as follows:

Q You are Mrs. Amanda Adelaide Seago, are you? A Yes, sir; my name is on the Choctaw Roll Addie A.
Q Your present name is Amanda Adelaide Seago? A Yes, sir.
Q You are the wife of this man here, Charles W. Seago? A Yes, sir.
Q How old are you? A Twenty one years old; a little past.
Q When were you and he married; you and your husband? A In 18**
Q 1888 was it not? A Yes, sir.
Q Have you a marriage license and certificate with you?
A No, sir, the Dawes Commission took it when we registered in the Choctaw Nation.
Q You claim to be a Choctaw by blood? A Yes sir, my father was a Choctaw.
Q Give me the name of your father? A Charles E. Betts.
Q You say he was a Choctaw? A Yes, sir.
Q Is he living? A No, sir, he is dead.
Q Give me the name of your mother? A Katie Robbins.
Q That is she was a Robbins before she married your father?
A Yes, sir.
Q Is she living? A No, sir, she's dead.

Q Where were you born? A I was born in the Choctaw Nation there at the old Armstrong Academy; Blue County.
Q Was your mother a Choctaw or a Cherokee? A She was a Cherokee; part Cherokee.
Q But you were born in the Choctaw Nation? A Yes, sir.
Q Have you lived there all your life? A No, sir; I moved to the Cherokee Nation when I was - I don't know whether it was four or six years old - I was a little chap.
Q How long did you stay there? A In the Cherokee Nation?
Q Yes? A We went back to the Choctaw Nation about 1866 or '7; '86 I mean. I was there a year before me and him was married.
Q In the Choctaw Nation? A Yes, sir.
Q So you went to the Cherokee Nation when you were about six years old and stayed there all during the years until just before you were married? A Yes, sir.
Q So you went to the Cherokee Nation when you were six years old and stayed there until you were about twenty years old?
A No, sir I was sixteen.
Q When you went back to the Choctaw Nation? A Yes, sir.
Q So you stayed there about ten years, if you went away when you were six years old; about ten years?
A My oldest boy is over ten years old and we was married nearly two years before he was born.
Q You have lived in the Choctaw Nation ever since you went back when sixteen years of age? A Yes, sir.
Q Did you draw Cherokee Strip Money in 1894? A I have never drawed any at all; my mother drawed before she died.
Q But you have not drawn any Cherokee money? A No, sir; I never drawed nary time.
Q Were you and your husband married under a Choctaw license? A
A Yes, sir.
Q And that license you say is filed with the Dawes Commission; also the marriage certificate? A It is a license they call it; just one paper made up in the way a white man ~~is~~ has to marry a Choctaw.
Q And that you say is filed with the Dawes Commission? A Yes, sir.
Q Now give me the names of your children? A John T.
Q How old is that child? A He will be eleven years old next June.
Q Now the next child? A David E.
Q How old is that child? A He is nine.
Q The next child? A Charles W.
Q How old is that child? A He is seven.
Q The next child? A William F.
Q How old is he? A He is five.
Q The next child? A Ramsey D.
Q How old is he? A He is three years old; just about.
Q The next child? A Ida May. She's only about a year old.
Q These children are all living, are they? A Yes, sir.

1880 Authenticated Roll of citizens of the Cherokee Nation examined and the name of the applicant's wife appears thereon as follows:

Page 6, #159, A. A. Betts, Canadian District, Admitted Cherokee. (Opposite the name of applicant's father, Charles Betts, there appears the following note: "Granted citizenship by an Act of Council, November, 1880".

The Census Roll of 1896 and the Pay Roll of 1894 examined and the names of the applicants not found thereon.

Q Mrs. Seago, have the members of your family drawn any money as Choctaws? A Yes, sir.

Q They have been drawing Choctaw money, have they? A Yes, sir; they drawed Choctaw money.
Q What Choctaw money did they get? (Answered by applicant's wife:
A $103.50.
Q When did they get that? A When my second child was a baby.
Q When David was a baby? A Yes, sir.
Q Did you draw any money before that that you can remember?
A No, sir.
Q Have you drawn any since that you can remember? A No, sir.
Q You prefer to be enrolled as Choctaws? A Yes, sir; my children's names is there and they aint in the Cherokee.
Q That is your preference also Mr. Seago? A Yes, sir.
Q But if you can not be enrolled as Choctaws, you want to be enrolled as Cherokees if entitled to it; ~~think~~ is that correct of you Mr. Seago? A I suppose so, yes, sir.
Q Is that true of you Madam? A Yes, sir I guess so.

Com'r. C. R. Breckinridge: The applicant applies for the enrollment of himself, wife and six children; his wife appears in the course of the application. He states that he is a white man and that his wife is a Choctaw or a Cherokee. The one purpose of this application is to determine her legal status as between these two Nations. His wife is shown by her testimony to have been born in the Choctaw Nation, and there lived until about six years of age, when she went to the Cherokee Nation with her family and she lived in the Cherokee Nation until she was sixteen years of age, about which time she returned to the Choctaw Nation, where she has resided consistently ever since: It is shown that during her stay in the Cherokee Nation she and her father and mother were admitted to citizenship as Cherokees by blood and the applicant's wife is duly identified on the roll of 1880; her deceased father and mother are also identified on that roll: Her change of name arising from marriage is established by her own and her husband's testimony, and doubtless also by their marriage license and certificate which they state is filed in the Choctaw Division of this Commission: They claim to have been married in accordance with Choctaw law: This woman is not identified on the roll of 1894 or 1896 and states that since her return to the Choctaw Nation she has drawn on at least one Choctaw payment, and has never participated in any Cherokee payments.

Reference is made to the status that may be revealed in the application which has been made for Choctaw enrollment. For the present, this woman will be listed for enrollment as a Cherokee by blood upon a doubtful card.

As for the applicant himself, in as much as he was never married under a Cherokee license and has not been on any roll of the Cherokee Nation, it is not presumed that he can be enrolled as a Cherokee, but in order to keep the family together for the further determination of their case, he will be listed upon the same card with his wife, as a Cherokee by intermarriage.

Of the six children named in the testimony, none of them are identified on any roll and the parents are desired to complete the record in this case by filing with the Commission certificates of birth of all of the said children.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me
this 14th day of Febuary, 1901.

R R Cravens

C. R. Breckinridge

COMMISSIONER.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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ACTING CHAIRMAN

Statement of Applicant Taken Under Oath. Choctaw Nation

CHEROKEES BY BLOOD AND ADOPTION.

(34) Date Feb. 14, 1900.

1 Name Charles W. Seago Caddo I.T.

District Year Page No.

Citizen by blood no Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

(31)

2 Wife's name Amanda J. Seago

District Sean. Year 1887 Page 6 No. 159

Citizen by blood admitted Mother's citizenship Cornstalk N.

Intermarried citizen Charles E. Betts to Ada Betts nee Robbins

Married under what law Date of marriage

License Certificate

Names of Children:

3 John L. Seago Dist. Year Page No. Age 11

4 David E. " Dist. Year Page No. Age 9

5 Charles H. " Dist. Year Page No. Age 7

6 William F. " Dist. Year Page No. Age 5

7 Ramsey D. Dist. Year Page No. Age 3

8 Ida " Dist. Year Page No. Age 1

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

No. 1 on 1887 roll as A. A. Betts.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

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Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, February, 14th 1901.

In the matter of the application for enrollment as citizens of the Choctaw Nation of Charles W. Sego, his wife, Amanda Sego, and their six minor children; also their right to election to be finally enrolled as citizens of the Choctaw Nation, under the provisions of the Twenty-first section of the Act of Congress of June 28th, 1898. The said Charles W. Sego, having been first duly sworn, testified as follows:

Examination by the Commission.

What is your name? A Charles Wesley Sego.
Q How old are you? A Why, I am thirty-six years old.
Q What is your post-office address? A Caddo.
Q Are you a citizen of the Choctaw Nation? A By marriage.
Q You are a white man are you? A Yes sir.
Q What is your wife's name? A Her maiden name?
Q No; what is her name? A Amanda Addie Sego.
Q Is she a citizen of the Choctaw Nation? A Yes sir.
Q By blood? A By blood.
Q Citizen of any other Nation? A Yes sir.
Q What other Nation? A Cherokee.
Q How did she become a citizen of the Cherokee Nation? A. By blood.
Q Citizen of both Nations by blood, is she? A Yes sir.
Q How do you account for that? A Why, her father was a Choctaw, and her mother was a Cherokee.
Q What was her father's name? A Charley Betts.
Q What was her mother's name? A Katie Robbins, I think.
Q How long have you lived in the Choctaw Nation? A I have lived in the Choctaw Nation - let me see - about fifteen years, I guess.
Q How long have you known your wife? A I reckon it was thirteen years this last June.
Q She always lived in the Choctaw Nation as long as you have known her? A As long as I have known her, yes sir; I got acquainted with her there.
Q Was you married to her in accordance with Choctaw laws? A I was.
Q When? A In 1888. You have got the license here.
Q Who was James D. and Selina E. Betts? A My wife's half brother and sister.
Q Who was their mother? A Their mother was Winton.
Q What is her full given name? A Mollie B. - M.B.Betts.
Q Was she a citizen of the Choctaw or Chickasaw Nations? A No sir.
Q The children have no Cherokee blood then at all? A None at all that I know of.

The records of the Commission examined, and on Choctaw roll card, Field Number D-365, appear the names of Charles W., Addie A., John T., David E., Charles W., William F., Ramsey D. and Ida May Sego; also, the name of James D. and Selina E. Betts.

The testimony taken in this case applies to Charles W.

Sego, his wife, and their children, and not in any manner to the application for enrollment as citizens of the Choctaw Nation of James D. and Selina E.Betts.

It further appears from the records in possession of the Commission that Charles W. Sego, his wife and their first four children were identified by the Commission at the time of the application made for their enrollment as citizens of the Choctaw Nation from the 1896 Census Roll, and that there has been filed with the evidence sufficient evidence as to the birth of their two children, Ramsey D. and Ida May Sego. The application made for their enrollment was at Caddo, Indian Territory, on August 25, 1899. On February 14, 1901, an application was made for these same parties for enrollment as citizens of the Cherokee Nation, and from an examination of the rolls of the citizens of the Cherokee Nation in possession of the Commission, the only one of the applicants who could be found on any of such rolls was Amanda A.Sego, who was placed on the 1880 authentic Cherokee roll as A. A. Betts.

(Witness excused.

Amanda A. Sego, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

Q What is your name? A My name? Amanda Addie is my right name; they put it down A.A.
Q Well, what is your full name? A Amanda Addie.
Q Amanda Addie what? A Sego.
Q How old are you? A Thirty years old.
Q What is your post-office address? A Caddo, Choctaw Nation.
Q You and your children, John T., David E., Charles W.Jr., William F., Ramsey D. and Ida M.Sego, have been residents of the Choctaw Nation for how long? A How long have I been there?
Q Yes? A Well, I have been there ever since I was sixteen years old.
Q Were all your children born in the Choctaw Nation? A Yes sir.
Q Your father was a Choctaw Indian was he? A Yes sir.
Q What was your mother? A She was a Cherokee; part Cherokee, I don't know how much.
Q Have any of these children ever lived in the Cherokee Nation? A No sir.
Q Ever receive any money as Cherokees? A No sir.
Q Have you ever received any money from the Cherokee Nation? A No sir, only that old settlers money that come to my mother.
Q Wehn was that? A Well, I don't know.
Q How much did you get? A One hundred and nineteen dollars for my part.
Q How long was that? A Its been about four or five year ago last summer.
Q Where did you draw that? A At Chocotah.

Charles W. Sego et al., 3---.

Q Your purpose in now appearing before the Commission is to elect for yourself and your children to be enrolled as citizens of either the Choctaw or Cherokee Nations, is that it? A Well, I want to be citizens of the Choctaw Nation. My children aint enrolled in the Cherokee Nation.

Q The Twenty-first Section of the Act of Congress of June 28, 1898, contains the following provisions:

> "The several tribes may, byagreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he failr or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

Now you want to elect under the provisions of this Act, for your self and your children? A Well, I don't know; I don't understand law. I want my home in the Choctaw Nation.

Q You want your children to be finally enrolled and take their allotment in the Choctaw Nation? A Yes sir.

Q In the event the Commission enrolls you and your children upon the final rolls of the Choctaw Nation, as submitted for approval to the Secretary of the Interior, and your names are so approved, do you, on your own behalf, and on behalf of your children, relinquish any rights, titles and interests you might have in and to any of the lands and moneys of the Cherokee Nation? A Why, I don't understand you, but I don't want to draw any Cherokee money.

Q That is what I want to get at; if the Commission enrolls you and your children in the Choctaw Nation, will you give up all your rights as a Cherokee? A Yes sir; I will give up all my rights as a Cherokee and just draw in one Nation.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings in the above entitled cause, and that the above and foregoing is a full, true and correct copy of his stenographic notes therein.

R S Streit

Subscribed and sworn to before me this 14th day of ~~June~~ February, 1901.

Guy L. Lancaster
Notary Public.

L & D.

7-D-365

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Charles W. Seago, as a citizen by intermarriage, and of Addie A. Seago, John T. Seago, David E. Seago, Charles W. Seago, Jr., William F. Seago, Ramsey D. Seago, Ida May Seago, James D. Betts and Selina E. Betts, as citizens by blood, of the Choctaw Nation.

- D E C I S I O N -

It appears from the census card and other records in this case that Charles W. Seago appeared before the Commission at Caddo, Indian Territory, August 24, 1899, and made personal application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Addie A. Seago, and his five minor children, John T., David E., Charles W., Jr., William F. and Ramsey D. Seago, and James D. and Selina E. Betts, minor half brother and half sister of his said wife, Addie A. Seago, as citizens by blood of the Choctaw Nation; that thereafter, on April 13, 1900, written application was made to the Commission for the enrollment, as a citizen by blood of the Choctaw Nation, of Ida May Seago, infant child of Charles W. Seago and Addie A. Seago, proper proof of the birth of said child on February 22, 1900, being filed with the Commission on the date of this application. Further proceedings were had in the matter of these applications at Muskogee, Indian Territory, on February 14, 1901, and in the matter of the application for the enrollment of Charles W. Seago, as a citizen by intermarriage of the Choctaw Nation, at Atoka, Indian Territory, November 7, 1902.

It further appears from the evidence in this case that Addie A. Seago is the daughter of Charles E. Betts (deceased), a recognized and enrolled citizen by blood of the Choctaw Nation, and Katie Betts (deceased), a recognized and enrolled citizen by blood of the Cherokee Nation; that the principal applicant, Charles W. Seago, claims his right to enrollment by virtue of his marriage on October 31, 1898, with the said Addie A. Seago (nee Betts) in accordance with the laws, customs and usages of the Choctaw Nation; that the minor applicants, John T. Seago, David E. Seago, Charles W. Seago, Jr., William F. Seago, Ramsey D. Seago and Ida May Seago, are the offspring of said union and that the applicants James D. Betts and Selina E. Betts are the children of Charles E. Betts, the father of the said Addie A. Seago, and Mollie Betts, a non-citizen white woman.

On an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, the names of Addie A. Seago (as Addie Seago), John T. Seago (as John Seago), and David E. Seago (as David Seago) are identified on the 1893 Choctaw leased district pay roll, Blue County, page 103, Nos. 1070, 1071 and 1072, respectively, enrolled as citizens by blood of the Choctaw Nation. The names of Addie A. Seago (as Adie E. Sago), John T. Seago (as John T. Sago), David E. Seago (as David E. Sage), Charles W. Seago (as Chas. W. Sago), William T. Seago (as Wm. Sago), James D. Betts (as Jas. D. Betts) and Selina E. Betts are identified on the 1896 Choctaw census roll, Nos. 11609, 11610, 11611, 11612, 11613, 1881 and 1882, respectively, enrolled as

citizens by blood of the Choctaw Nation. The name of Charles W. Seago (as Chas. W. Sego) is identified on said roll, No.15057, enrolled as a citizen by intermarriage of the Choctaw Nation. Applicants Ramsey D. Seago and Ida May Seago, having been born subsequent to the preparation of the last tribal roll of the Choctaw Nation, are identified by affidavits of birth filed with the Commission and made a part of the record in this case.

The evidence in this case further shows that all of the applicants herein who were living on June 28, 1898, were residents in good faith of Indian Territory and, with the exception of Charles W. Seago, had been residents of said Territory all their lives prior thereto; that applicant Ida May Seago was born in Indian Territory in 1900 and has always lived in said Territory; that applicant Charles W. Seago has lived with his wife, Addie A. Seago, continuously in the Choctaw Nation from the date of his marriage, in 1888, up to and including September 25, 1902.

It further appears from the records in the possession of the Commission that on February 14, 1901, applicants Charles W. Seago, Addie A. Seago, John T. Seago, David E. Seago, Charles W. Seago, Jr., William F. Seago, Ramsey D. Seago and Ida May Seago were listed for enrollment by this Commission as citizens of the Cherokee Nation on Cherokee doubtful card No.1100; that at the hearing had in the matter of their application for enrollment as citizens of the Choctaw Nation, at Muskogee, Indian Territory, on February 14, 1901, applicant Charles W. Seago appeared before the Commission and under the provisions of the Act of Congress approved June 28, 1898 (30 Stats.,495),elected to be finally enrolled as a citizen by intermarriage of the Choctaw Nation and take allotment of lands and distribution of moneys in said nation; that at said place and time Addie A. Seago also appeared and under the provisions of said Act of Congress, elected for herself and her six minor children, John T., David E., Charles W., Jr., William F., Ramsey D. and Ida May Seago, to be finally enrolled as citizens by blood of the Choctaw Nation and take allotment of lands and distribution of moneys in said nation.

It is,therefore,the opinion of this Commission that Charles W. Seago should be enrolled as a citizen by intermarriage of the Choctaw Nation, and that Addie A. Seago, John T. Seago, David E. Seago, Charles W. Seago, Jr., William F. Seago, Ramsey D. Seago, Ida May Seago, James D. Betts and Selina E. Betts should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats.,495) and July 1, 1902 (32 Stats., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED) Tams Bixby.
Chairman

(SIGNED) T. B. Needles.
COMMISSIONER

(SIGNED) C. R. Breckinridge.
COMMISSIONER

(SIGNED) Thos. B. Stanley.
COMMISSIONER

Muskogee, Indian Territory,

MAR 26 1903

C.T.B.

Cherokee D 1108

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Amanda A. Seago, et al., as citizens by blood of the Cherokee Nation.

-1-

D E C I S I O N.

The record herein shows that on February 14, 1901, Charles W. Seago appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage,, and for the enrollment of his wife, Amanda A. Seago, and their six minor children, John T., David E., Charles W., Jr., William F., Ramsey D. and Ida M. Seago, as citizens by blood, of the Cherokee Nation; but as the status of intermarried citizens is not at this time fixed, the rights of the said Charles W. Seago to enrollment as a citizen by intermarriage of the Cherokee Nation, will not at this time be passed upon.

From the records of this Commission it appears that the applicants, Amanda A.,(as Addie A.), John T., David E., Charles W. Jr., William F., Ramsey D. and Ida M. Seago, have been enrolled as citizens by blood of the Choctaw Nation; action approved by the Secretary of the Interior, October 15, 1903, their numbers being, 14957, 14958, 14959, 14960, 14961, 14962 and 14963, respectively.

Section twenty-eight of the Act of Congress approved July 1, 1902, (32 Stat., 716), provides as follows:

"No person whose name appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee Nation."

It is, therefore, the opinion of this Commission that the application for the enrollment of Amanda A. Seago, John T. Seago, David R. Seago, Charles W. Seago, Jr., William F. Seago, Ramsey D. Seago and Ida M. Seago, as citizens by blood of the Cherokee Nation, should be denied, under the provisions of the law above quoted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner

Commissioner

Muskogee, Indian Territory,
this JAN 10 1905

Cherokee D-1100. O.L.J.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the enrollment of Charles Wesley Seago, as a citizen by intermarriage of the Cherokee Nation.

---: D E C I S I O N :---

It appears from the record herein that on February 14, 1901, Charles Wesley Seago appeared before this Commission, at Muskogee, Indian Territory, and, among others, made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. The rights of the other applicants have heretofore been determined and are not included in this decision. A copy of the testimony, taken in the matter of the application of Charles Wesley Seago, et al., for enrollment as citizens of the Choctaw Nation, is filed with and made a part of the record in this case.

It appears from the records of the Commission that said applicant has heretofore been enrolled as a citizen by intermarriage of the Choctaw Nation, his name, as Charles W. Seago, appearing as No. 533 upon a list prepared by this Commission of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation and approved by the Secretary of the Interior on December 24, 1903, and as such citizen has voluntarily selected his allotment of lands in said nation.

It is therefore the opinion of this Commission that the application made for the enrollment of Charles Wesley Seago, as a citizen by intermarriage of the Cherokee Nation, should be denied under the provisions of Section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

... 1905

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1100

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Vinita, Indian Territory, February 26th, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

I have the honor to transmit herewith the record in the matter of the application of Charles W. Seago, et al, Cherokee D-1100. It appears that Amanda A. Seago, the wife of the principal applicant, and their six children have elected to be enrolled as citizens of the Choctaw Nation and have formally relinquished all their rights in the Cherokee Nation.

It appears that Charles W. Seago is a white man and was married to his wife under the laws of the Choctaw Nation.

In view of the above facts, it is respectfully recommended that a decision be prepared herein.

Respectfully,

Clerk in Charge.

Enc. C-40.
JOC.

INDEXED.

COMMISSION TO FIVE TRIBES.

NO.	RECEIVED	DOCKETED	
3847	FEB 27 1903	BOOK	PAGE
1202			

Cherokee Land Office,
Vinita, I. T.,
Feb. 26, 1903.

Transmitting record in case
of Charles W. Seago, et al.,
Cher. D 1100, for decision.

CHIEF LAW CLERK.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D 365

Muskogee, Indian Territory, March 26,1903.

Cherokee Enrollment Division,

Commission to the Five Civilized Tribes.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 26, 1903, granting the application made for the enrollment of Charles W. Seago as a citizen by intermarriage, and of his wife, Addie A. Seago, his minor children, John T. Seago, David E. Seago, Charles W. Seago,Jr., William F.Seago, Ramsey D.Seago and Ida May Seago, his brother-in-law, James D. Betts, and his sister-in-law, Selina E. Betts, as citizens by blood, of the Choctaw Nation.

It appears from the records of the Commission that the principal applicant, Charles W. Seago, his wife, Addie A. Seago, and their six minor children, John T.Seago, David E.Seago, Charles W. Seago,Jr. , William F. Seago, Ramsey D. Seago and Ida May Seago, were listed on Cherokee Doutful Card No.1100.

Respectfully,

Chairman.

Enc. HMV 61 (a)

Vinita, Indian Territory, March 31, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

As directed in the Commission's letter of March 28, I have the honor to transmit herewith, jacket and record in the matter of the application of Charles W. Scago, et al., for enrollment as citizens of the Cherokee Nation, Cherokee D-1100.

Respectfully,

Clerk in Charge.

Encl. P-213.

RP

Cherokee D 1100
Choctaw D 365

Muskogee, Indian Territory, January 16, 1904.

Commission to the Five Civilized Tribes,
Choctaw-Chickasaw Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Charles W., Amanda A., John T., David H., Charles W., Jr., William F., Ramsey D. and Ida M. Seago, Cherokee D 1100, it appears that these applicants have also applied for enrollment as citizens of the Choctaw Nation, Choctaw D 365, and that on March 26, 1903, the Commission rendered a decision enrolling these parties as citizens of the Choctaw Nation.

It is suggested that the Cherokee Division be advised as to the present status of these applicants as citizens of the Choctaw Nation and if their names have been placed upon the final roll, it is requested that their numbers be given, together with the date of the Department's approval of said roll.

Respectfully,

Chairman.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee D-1100.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 10, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 10, 1905, rejecting the application for the enrollment of Amanda A. Seago et al., as citizens by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Encl. L-93.

COPY.

Cherokee D-1100.

Muskogee, Indian Territory, January 10, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Amanda A. Scaggs et al., as citizens by blood of the Cherokee Nation, including the Commission's decision, dated January 10, 1905, rejecting said application.

Respectfully,

Tams Bixby.
Chairman.

Encl. L-94.

Through the
Commissioner of Indian Affairs.

(C O P Y)

Cherokee D-1100.

Muskogee, Indian Territory, January 10, 1906.

Charles W. Seago,

Caddo, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of your wife, Amanda A. Seago, and your minor children, John T., David E., Charles W. Jr., William F., Ramsey D., and Ida M. Seago, as citizens by blood of the Cherokee Nation, together with the Commission's decision, dated January 10, 1905, rejecting said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(Signed) TAMS BIXBY.

Chairman.

Encl. L-92.

Register.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Refer in reply to the following:
Land.
3411-1905.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, January 19, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated January 10, 1905, transmitting the record of the application for enrollment as citizens by blood of the Cherokee Nation by Amanda A. Seago for herself and her six minor children, John T., David E., Charles W. Jr., William F., Ramsey D., and Ida M. Seago.

January 10, 1905, the Commission decision adversely to all the applicants.

The record shows that the applicants, Amanda A. (as Addie A.), John T., David E., Charles W. Jr., William F., Ramsey D., Ida M. Seago have been enrolled as citizens by blood of the Choctaw Nation under Nos. 14957, 14958, 14959, 14960, 14961, 14962 and 14965 respectively, upon a rule approved by the Department, October 15, 1903.

In view of the record and of the act of Congress of July 1, 1902 (32 Stats., 716), the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

Y. P.

FHR

DEPARTMENT OF THE INTERIOR,

D. C. 5362-1905. WASHINGTON. January 27, 1905.

I. T. D. 590-1905.

L. R. S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department does not find with the record in the Cherokee enrollment case of Amanda A. Seago, et al, received with your letter of January 10, 1905, any evidence of service of notice of your decision upon the applicants.

It is requested that you inform the Department when and in what manner you gave notice of such decision.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

COPY.

Cherokee D-1100.

Muskogee, Indian Territory, February 7, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to departmental letter of January 27, 1905 (I. T. D. 590-1905), there is herewith inclosed a copy of the Commission's letter dated January 10, 1905, registering to Charles W. Seago a copy of its decision in the matter of the application for the enrollment of Amanda A. Seago, et al., as citizens by blood of the Cherokee Nation.

Respectfully,

Tams Bixby.

Incl. 8-34. SIGNED Chairman.

D. C. 8240-1905. DEPARTMENT OF THE INTERIOR, Y. P. THE.

I. T. D. 690-1905.
1478- " WASHINGTON. February 15, 1905.

L. R. S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 10, 1905, you transmitted the record in the matter of the application of Amanda A. Seago for the enrollment of herself and her six minor children, John T., David E., Charles W. Jr., William F., Ramsey D., and Ida M. Seago, as citizens by blood of the Cherokee Nation, including your decision of the same date, rejecting the applicants.

Reporting in the matter January 19, 1905, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

1 inclosure.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee D-1100.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 24, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated January 10, 1905, rejecting the application for the enrollment of Amanda A., John T., David E., Charles W. Jr., William F., Ramsey D., and Ida M. Seago, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 15, 1905.

Respectfully,

Tams Bixby

Chairman.

COPY.

Cherokee D-1100.

Muskogee, Indian Territory, February 24, 1905.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated January 10, 1905, rejecting the application for the enrollment of Amanda A., John T., David E., Charles W. Jr., William F., Ramsey D., and Ida M. Scaggs, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 15, 1905.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

COPY.

Cherokee D-1100.

Muskogee, Indian Territory, February 24, 1905.

Charles W. Seago,

Caddo, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated January 10, 1905, rejecting the application for the enrollment of your wife, Amanda A. Seago, and your minor children, John T., David E., Charles W. Jr., William F., Ramsey D., and Ida M. Seago, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 15, 1905.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

COPY.

Cherokee D-1100.

Muskogee, Indian Territory, March 3, 1906.

Commission to the Five Civilized Tribes,

Choctaw Enrollment Division.

Gentlemen:

The Cherokee Enrollment Division desires to be informed whether or not Charles Wesley Sego, whose name appears as No. 555 upon a list prepared by this Commission of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation, has selected his allotment in said nation.

Respectfully,

C. R. Breckinridge.

(SIGNED) Commissioner in Charge.

C.D. 1100

COPY.

Muskogee, Indian Territory, March 15, 1905.

Commission to the Five Civilized Tribes,

Choctaw-Chickasaw Enrollment Division.

Gentlemen:

The Cherokee Enrollment Division desires to be informed whether or not Charles Wesley Sego, whose name appears as No. 535 upon a list prepared by this Commission of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation, has selected his allotment in said Nation.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

(Copy)

7-5654.

Muskogee, Indian Territory, March 18, 1905.

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division.
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of March 15, 1905, requesting to be informed whether or not Charles Wesley Sego whose name appears as No. 535 upon the approved roll of citizens by intermarriage of the Choctaw Nation has selected allotment.

In reply to your letter you are informed that it appears from our records that Charles Wesley Sego whose name appears upon the approved roll of citizens by intermarriage of the Choctaw Nation as No. 535 has voluntarily selected his allotment in the Choctaw Nation.

Respectfully,

(Signed) TAMS BIXBY,
Chairman.

COPY.

Cherokee D-1100.

Muskogee, Indian Territory, May 13, 1905.

Charles Wesley Seage,

Caddo, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. L-46.
Register.

D 640

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee D-1100.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 13, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the application for the enrollment of Charles Wesley Scago as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. L-47.

COPY.

Cherokee D-1100.

Muskogee, Indian Territory, May 13, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Charles Wesley Seago as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated May 13, 1905, rejecting said application.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. L-48.

DEPARTMENT OF THE INTERIOR,

Refer in reply to the following:
Land.
37641, 1905.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. May 23, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 13, 1905, transmitting the record of the application for enrollment as a citizen by intermarriage of the Cherokee Nation by Charles Wesley Seago.

May 13, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant's name appears at Number 533 upon a list of citizens by intermarriage of the Choctaw Nation approved by the Department December 24, 1903, and that he has voluntarily selected his allotment of lands in the Choctaw Nation.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

MOK.

W. C. P.
FHE.
J. P.

DEPARTMENT OF THE INTERIOR,

D. C. 33364-1905.

WASHINGTON. July 1, 1905.

I. T. D. 6072-1905.

L. R. S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 13, 1905, you transmitted the record in the matter of the application for the enrollment of Charles Wesley Seago as an intermarried Cherokee citizen, including your decision of the same date, rejecting said application.

Reporting May 23, 1905, the Indian Office recommends that your debision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock

Secretary.

1 inclosure.

MOK.

Cherokee P-1100.

Muskogee, Indian Territory, July 15, 1905.

Charles Wesley Seago,

Caddo, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on July 1, 1905.

Respectfully,

GHL

Commissioner.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1100.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 15, 1905.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the application for the enrollment of Charles Wesley Seago as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on July 1, 1905.

Respectfully,

GHL

Commissioner.

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DEPARTMENT OF THE I
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
FEB 1[illegible] 1901

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEBUARY 14th, 1901.

IN THE MATTER OF THE APPLICATION OF Samuel Vann for the enrollment of himself and wife as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give me your full name? A Samuel Vann.
Q How old are you? A Either twenty eight or twenty nine. I am not sure.
Q What is your Postoffice? A Sallisaw.
Q In what district do you live? A Sequoyah.
Q Who is it you want to enroll; yourself and family? A Yes, sir.
Q Have you a wife? A Yes sir.
Q Have you any children? A No sir.
Q Just yourself and wife then? A Yes sir.
Q Are you a Cherokee by blood? A Yes sir.
Q Is your wife a Cherokee by blood? A She's said to be a Cherokee.
Q You are not sure of that? A No sir.
Q So you apply for her by blood, if she is entitled to it, or a Cherokee by adoption if she has not the other claim? A Yes, sir; she is one of the Bracketts.
Q How long have you lived in the Cherokee Nation?
A Been here about twenty eight years.
Q Been here all your life? A Yes sir.
Q That is, you have been in the Cherokee Nation all your life?
A Yes sir.
Q Give me the name of your father? A William Vann.
Q Is he dead? A yes sir.
Q Give me the name of your mother? A Rachel.
Q Is she dead? A Yes sir.
Q Give me the name of your wife? A Elizabeth.
Q How old is your wife? A She's about twenty I suppose.
Q When did you and she marry? A In '96.
Q What time in 1896? A I think it was along about the 7th of June.
Q Have you a marriage certificate? A No sir, I was married under Cherokee law.
Q Who married you? A I forget the man's name; from Stilwell.
Q A preacher? A Yes, sir.
Q Is there any one here who knows you and your wife have lived together as husband and wife? A I don't know; I don't think there is.
Q How long has your wife lived in the Cherokee Nation?
A Been here all her life.
Q Were you ever married except to this wife? A No sir.
Q Was she ever married except to you? A No sir.
Q You and she have lived together ever since you were married, have you? A Yes sir.
Q Give me the name of her father? A Tom Brackett.
Q Is he dead? A Yes sir, he is dead.
Q Give me the name of her mother? A Fannie.
Q Is she dead? A yes, sir, she's dead.
Q Were her father and mother admitted to citizenship by the Cherokee Commission on Citizenship; many Bracketts were?
A I guess so.
Q Do you know when they were admitted? A No sir, I don't.
Q Whom did you live with when you were little? A French Rowe.
Q What is the name of his wife? A I declare I don't remember.
Q Was French Rowe a Cherokee by blood? A Yes sir.

By Mr. W. W. Hastings, Cherokee Represenative:
Q Did he live in Flint District? A Yes sir.

1896 Census Roll of citizens of the Cherokee Nation examined, and the names of the applicant and his wife appear thereon as follows:

SAMUEL VANN AND WIFE. --2--

1896 Roll, Page 1107, #1505, Samuel Vann, Sequoyah District; native Cherokee.
1896 Roll, Page 1107, #1506, Elizabeth Vann, Sequoyah District; native Cherokee.

Commission:
Q Has your wife any brothers or sisters? A One brother.
Q What is his name? A Will Brackett.
Q How old is he? A I expect her is about twenty two.
Q You have no certificate of the admission of your wife or of her father and mother to citizenship? A No, sir.

Com'r. C. R. Breckinridge: It will be necessary for you to supply some evidence that your wife or her father or mother were admitted to citizenship as claimed; also to identify yourself, because you are not on the roll of 1880, or at least we can not find you on that roll.

By Mr. W. W. Hastings, Cherokee Represenative:
Q When did you leave the orphan asylum? A I don't recollect what year it was; it was just about a year before you went there.

Commissioner C. R. Breckinridge:
Q What name did they give you at the orphan asylum? A I went by the name just like I give here.
Q They didn't change your name? A No, sir.

Commissioner C. R. Breckinridge: The applicant applies for the enrollment of himself and wife; he is identified on the roll of 1896; he claims to have lived in the Cherokee Nation all his life, but he can not be identified on the roll of 1880: He is now twenty eight years of age; his father and mother it appears died before the roll of 1880 was made; the applicant states that he attended the orphan asylum, and the records of that institution will be consulted if other satisfactory evidence can not otherwise be obtained in regard to the applicant: He will now be listed for enrollment as a Cherokee by blood upon a doubtful card, to await further identification. He states that he and his wife were married in 1896, but is unable to supply evidence of that fact at this time; she is identified with him on the roll of 1896. He avers that she is a Cherokee by blood and states that she has lived in the Cherokee Nation all her life: Her marriage would be too late under the Cherokee law of December 25th, 1895 to entitle her to enrollment as a Cherokee by adoption; neither she nor her father or mother can be identified on the roll of 1880; it is claimed that she is an admitted Cherokee: To await further evidence of her rights as a Cherokee by blood, she will now be placed upon a doubtful card with her husband, as a Cherokee by blood.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 14th day of February, 1901.

COMMISSIONER.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 18, 1901

ACTING CHAIRMAN

S U P P L E M?E N T A L T E S T I M O N Y .

D. #1101.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 14th, 1901.

In the matter of the application of Samuel Vann et al. for enrollment as citizens of the Cherokee Nation; said Samuel Vann being sworn and examined by Commissioner Breckinridge, testified as follows, the same being Supplemental to his original application:

Q Give me your full name? A Samuel Vann.
Q You applied this forenoon for enrollment did you? A Yes, sir.
Q You applied to enroll yourself and wife? A Yes, sir.
Q Give me the name of your wife again? A Elizabeth.
Q And her maiden name was what? A Brackett.
Q You are the Samuel Vann whose post office addres is Sallisaw are you? A Yes, sir.
Q Did you have a Cherokee name as well as an english name? A Yes, sir
Q What was your Cherokee name? A (Said to be Cherokee word for Dry.)
Q Who give you that Cherokee Name? A I don't know who give me that name.
Q You were called by that name were you? A Yes, sir.
Q Well did you have any other name? A No, that is all--Nickoleg.
Q Where did you get that name, Nickoleg? A That's my father's name.

1880 Au thenticated Roll of citizens of the Cherokee Nation examined and applicant,s name found thereon as follows:
1880 Roll; page 14, #14, as Dry Nickoleg, Orphan Roll, Flint district.

Q Now, have you any evidence that you can offer as to the admission of your wife; have you found out when she was admitted to citizenship? A No, sir.

Com'r Breckinridge:--This testimony, which appears to identify the applicant satisfactorily on the roll of 1880, will be filed with his application made this forenoon. The application will not, however, be changed at this time and he is desired again to furnish the Commission with official evidence of the admissi on of his wife to citizenshi p and with proof of marriage.

--ooeOOOooo---

J. O. Reason, being first duly sworn, states that as stenog rapher to the Commission to t he Five Civilized Tribes, he correctly recorded the testimony and proceedings in thi s case, and t hat the foregoing is a true and complete t ranscript of his stenographic notes t hereof.

J. O. Reason

Subscribed and sworn to before me t his 14th day of February, 1901.

Commissioner.

CD1101

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 28 1902

ACTING CHAIRMAN

Supl.-C.D.#1101.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 19? 1902.

SUPPLEMENTAL IN THE MATTER OF THE ENROLLMENT OF SAMUEL VANN, ET AL., as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 28, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902, and that on said day he might appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting his application. The applicant has this day, to-wit: the 19th day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---oooOOOooo---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had this day in the above application, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 18 1902

ACTING CHAIRMAN

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 16th, 1902.

In the matter of the application of Elizabeth Vann for the enrollment of herself as a citizen by blood of the Cherokee nation.

Supplemental to R-1161

Appearances:

Applicant appears in person.
Cherokee nation by W. W. Hastings.

ELIZABETH VANN, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name? A. Elizabeth Vann.
Q. How old are you? A. 21.
Q. What is your post office address? A. Salliasw.
Q. What is your father's name? A. Thomas Bracket.
Q. Is he living or dead? A. He is dead.
Q. What is your mother's name? A. Fanny Bracket.
Q. Is she living or dead? A. She is dead.
Q. You claim to right to enrollment through your father?
A. Yes, sir.
Q. Your mother is a white woman? A. Yes, sir.
Q. When was your father admitted to citizenship? Do you know what year? A. No, sir.
Q. Haven't you any idea? A. No, sir.
Q. How do you know he was admitted? A. (no response)
Q. How long has your father been dead? A. Been dead ever since I can remember.

ANN BRACKET, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name? A. Ann Bracket.
Q. How old are you? A. I am 44.
Q. What is your post office address? A. Salliasw.
Q. Are you acquainted with the applicant in this case, Elizabeth Vann, nee Bracket? A. Yes, sir.
Q. How long have you known her? A. I have known her ever since she was 8 years old
Q. Where was she born? A. Sequoyah district.
Q. Cherokee nation? A. Yes, sir.
Q. Did you know her father? A. Yes, sir.
Q. What was his name? A. Thomas Bracket.
Q. Was he a Cherokee? A. Cherokee by blood, yes.
Q. What was her mother's name? A. Her mother?
Q. Yes. A. Fanny Bracket.
Q. Was she a Cherokee or white woman? A. She is a white woman.
Q. Do you know whether the applicant's father was ever admitted to citizenship in the Cherokee nation? A. Well, I couldn't tell you.
Q. Did he have any brothers or sisters? A. Yes, sir.
Q. What were the names of his brothers? A. Ben Bracket and Adam Bracket.
Q. Were they full brothers of her father? A. Full brothers.

The list of persons admitted and readmitted by the national council and the Cherokee commission on citizenship to citizenship in the Cherokee nation examined and fails to disclose that the

applicant or her father was ever admitted to citizenship by the tribal authorities.

Q. Has this applicant always been recognized as a Cherokee as long as you have known her? A. Yes, sir.
Q. Was her father always recognized as a Cherokee? A. Yes, sir.
Q. Has she always lived in the Cherokee nation? A. Yes, sir.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this ....18 day of July, 1902.

P. P. Austin
Notary Public.

Cherokee D 1161

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Samuel Vann for the enrollment of himself and his wife, Elizabeth Vann, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

--oOo--

The record in this case shows that on February 14, 1901, Samuel Vann appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself and his wife, Elizabeth Vann, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on July 16, 1902.

The evidence in this case shows that Samuel Vann, a native Cherokee, who is identified on the Cherokee authenticated tribal roll of 1880, as "Dry Nicholeg," was married in June, 1896, to Elizabeth Brackett, a native Cherokee. The name of Elizabeth Vann cannot be found on the Cherokee authenticated tribal roll of 1880, but, upon examination of the tribal rolls of the Cherokee Nation in possession of this Commission, her name is found on the Cherokee Pay roll of 1883, on the Cherokee Pay roll of 1886, on the Cherokee Census roll of 1890, on the Cherokee Pay roll of 1890, on the Cherokee Strip Payment roll of 1894, and on the Cherokee Census roll of 1896. Samuel Vann is also identified on the Cherokee Census roll of 1896.

The evidence further shows that Samuel Vann and Elizabeth Vann have lived in the Cherokee Nation all their lives.

It is, therefore, the opinion of this Commission that Samuel Vann and Elizabeth Vann should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 10 1902

COMMISSIONERS.
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1101.

Muskogee, Indian Territory, December 15, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Samuel Vann for the enrollment of himself and his wife, Elizabeth Vann, as citizens by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. H-222.

Samuel Cannon

FOR ENROLLMENT AS

CHEROKEE FREEDMEN.

A Original Testimony Feby 14/01

B Affidavit " " 14/01

C Supplemental Testimony Feby 14/01

D Notice of final consideration, 3/19/02

E Letter rel to Hearing

1

Cher D 1102

Cher D 1102

FILED
FEB 19 1901

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEBRUARY 15th, 1901.

IN THE MATTER OF THE APPLICATION OF William B. Beck for the enrollment of Sarah Elizabeth Quinton as a citizen of the Cherokee Nation, and the said Beck

being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give me your full name? A William B. Beck.
Taken from William B. Beck's own application: fifty three years of age; Postoffice, Fawn; District, Canadian.

Q You want to apply for an orphan child in your care?
A Yes, sir.
Q Give me the name of the child? A Sarah Elizabeth Quinton.
Q How old is the child? A I will have to look on this paper; I will just get you to look; I have not got my glasses; she's about eleven years old; 1890 I think she was born.
Q The child is eleven years old? A Yes, sir.
Q The child is living with you, is it? A Yes, sir.
Q Give me the name of the father of this child? A Moses Quinton.
Q Is he dead or alive? A Dead.
Q Was he a Cherokee or white man? A Cherokee.
Q When did he die? A I just can't remember; he was killed up here about threeyears ago.
Q Did he live in the Cherokee nation all his life? A No, sir; he was admitted.
Q Admitted at some time? A Yes, sir.
Q Admitted before this child's birth? A Yes, sir.
Q Give me the name of the mother of this child?
A Becky I believe.
Q Becky Quinton? A Yes, sir.
Q Is she dead? A yes, sir.
Q Was she a Cherokee or white woman? A White woman.
Q When did she die? A I can't remember; she died when the child was very small; died some ten years ago.
Q Do you know anything about the marriage between Moses Quinton and this woman, Becky? A No, sir; only they were living together at the time of her death.
Q How old was Moses Quinton? A I don't remember; I suppose he is on the rolls here; I tried to find it and could not.
Q Do you know whether Mose Quinton was ever married before he married this woman, Becky? A No, sir; I think not; he came here when a boy and lived a neighbor to me.
Q If he were living now, would he be about your age?
A No, sir; between thirty and thirty five I think.
Q Do you remember when ge married this woman Becky? A I can not give the date; I remember when they were married, but I did not see them married.
Q You knew Mose Quinton when he was a boy? A Yes, sir.
Q About how old? A About a year old.
Q Did you know him from that time until he died? A Yes, sir, the greater portion of that time.
Q Where was it you knew him in his childhood? A In Arkansas.
Q And when did he first come to the Cherokee Nation?
A I can't remember just the date, but I am satisfied he is on the '80 Roll.
Q You have been in the Cherokee Nation yourself some thirty years, have you not? A Yes, sir.
Q How old do you say Mose Quinton was when he came to the Cherokee Nation? A Probably twelve or fourteen years.
Q Now, did you know him all the time from the time he came to the Cherokee Nation, when you say he was eleven or twelve years old, until he died? A Yes, sir.
Q Did you live neighbors? A Not all the time.
Q Did you see him frequently during this period? A Yes, sir.

Q Did you ever hear of him having married or taken up with any woman before he lived with this woman Becky? A Never did.
Q Would you have been apt to have known? A I think I would.
Q How far was he living from you at the time he is stated to have married this woman? A About two miles.
Q You were not present at the marriage? A No, sir.
Q Who married them? A I don't recollect.
Q Did they have an entertainment? A I think not.
Q Do you know whether a preacher married them? A No, sir I don't.
Q How long did they live together as husband and wife; until she died? A Yes, sir.
Q They held each other out to the community there as husband and wife? A Yes, sir.
Q How this woman Becky; how old would she be if she were living?
A She was some younger than Mose; between thirty and thirty five I think she must have been.
Q Were they married a year or two before the birth of this child
A Yes, sir.
Q Did you know this woman Becky before she married Mose Quinton?
A yes, sir.
Q How long had you known her before? A Not very long; about a year.
Q Did they live in your neighborhood? A Yes, sir.
Q How far from you? A About six miles; between four and six.
Q She was recognized in that neighborhood as a young unmarried woman? A She was.
Q As a maiden woman who has never been married? A Yes, sir.
Q That was her status in the community? A Yes, sir.
Q Has there ever been any question as to the legitimacy of this child? A None whatever that I ever heard of.
Q What is the name of Mose Quinton's mother, do you know?
A Lydia.
Q And his father? A Joseph.
Q I see in the printed list here of readmitted Cherokees, in the possession of the Cherokee Representatives, where Joseph, Lydia and Mose Quinton were readmitted by the Cherokee Council November 21st, 1882: You recognize this as the family of Mose Quinton?
A I do; yes, sir.

Tribal Rolls of citizens of the Cherokee Nation examined and the name of Mose Quinton is found thereon as follows:
(1896 Census Roll, Page 205, #3845, Moses Quinton, Goowesecowee District)

Q Who was this child living with four years ago; living with you?
A No, sir; I think she was living with a family named Montgomery.

By Mr. J. L. Baugh, Cherokee Representative:
Q Were they citizens? A No, sir; they were white folks; just transient people.
Q Where was the child four years ago? A I can't remember where she was.
Q When did you and your wife get control of the child?
A About three years ago.

Commissioner C. R. Breckinridge:
Q Very likely the child was with that transient family four years ago? A Yes, sir; I guess she was.
Q Do you know whether the child drew Cherokee strip money?
A No, sir; I do not.

1898 Cherokee Strip Payment Roll examined and the name of the child for whom application is made appears thereon as follows:
Page 697, #1737, Sarah E. Quinton, Goingsnake District.

SARAH ELIZABETH QUINTON.

---3---

Q Where was the child in 1894, do you know? A She must have been down in this country somewhere.
Q You do not know who she was living with? A I think she was living in '94 with a man and his wife named Riddle.

Upon an examination of the 1894 Roll of the Cherokee Nation, the name of Moses Quinton appears thereon as follows:
Page 697, #1736, Moses Quinton, Goingsnake District.

By Mr. J. L. Baugh, Cherokee Representative:
Q Where was this child born at? A Born in Canadian District.
Q Near where you lived? A Yes, sir.
Q How long did these folks with the child stay there at that place? A At the place, not very long; he gave the child away; he gave it to a man named Riddle; first one would take it and then another.
Q Have you seen the child constantly? A Yes, sir; never longer than a year from the time it was a baby.
Q You know this child you make application for to be the same child that belonged to Moses Quinton and his wife? A Yes, sir; I am satisfied.

Com'r. C. R. Breckinridge: The applicant applies for the enrollment of a minor child, Sarah E. Quinton, an orphan; this child is identified on the roll of 1894 with its father, but is not identified on the roll of 1896, which is explained by the evidence that the child was neglected and was probably at that time with a family with whom it lived a short while in the Creek Nation: The marriage between Moses Quinton, a Cherokee by blood to his white wife is and the legitimacy of the child is established in a satisfactory manner by the testimony of the applicant; and the printed list of readmitted Cherokees in the possession of the Cherokee Representatives present shows that the father of this child was readmitted to citizenship in 1882; he lived in the Cherokee Nation from the time he was about eleven years old until he died. No doubt being dealt about the legitimacy and residence of this child and the status of her paretns/ it is needed only that the Commissioner be supplied with an official copy of the Act of the Cherokee Council readmitting the father to citizenship; this the applicant is desired to procure and send to the Commission; awaiting that evidence the child will be listed for enrollment as a Cherokee by blood upon a doubtful card.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 15th day of Febuary, A. D., 1901.

COMMISSIONER.

D1102

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 6 1903

R.

C. D-1102.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Sarah E. Quinton for enrollment as a citizen of the Cherokee Nation.

Appearances:
J. M. Givens, attorney for applicant.
W. W. Hastings, attorney for Cherokee Nation.

Wm. B. Beck was notified by registered letter February 28, 1902, that the application of Sarah E. Quinton for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 19th day of March, 1902. On said date the case was continued by agreement until the 22nd day of March, 1902. The same being this date, to-wit: the 22nd day of March, 1902, the applicant this day appears by attorney, J. M. Givens.

WILLIAM RIDDLE, being first duly sworn, and being examined, testified as follows:

MR. GIVENS: What is your name? A William Riddle.
Q Your age? A Forty-six.
Q What is your post office address? A Texanna, Indian Territory.
Q Were you acquainted with Moses Quinton? A Yes sir.
Q Were you acquainted with his wife, Rebecca Quinton? A Yes sir.
Q Do you know when Moses Quinton and Rebecca Quinton were married?
A To the best of my knowledge, in 1888.
Q Where did this marriage take place? A Canadian District.
Q Do you remember at what house? A At my house, on the Canadian.
Q Do you know that the marriage ceremony was actually performed?
A Yes sir.
Q Were you present when the ceremony was performed? A Yes sir
Q Was the ceremony performed by a minister? A Yes sir.
Q Do you know thename of the minister? A No sir, I was not acquainted with him.
Q Were there more persons besides yourself, Moses Quinton and Rebecca Quinton present when the ceremony was performed?
A Well, her father and sister, and myself. Her folks are all dead and gone.
Q After they were married, do you know whetheror not they lived together as husband and wife? A Yes sir.
Q Do you know how long this relation was kept up?
A They livedtogether until her death.
Q Are you acquainted with theapplicant, Sarah Elizabeth Quinton?
A I know the child, but then I had nothing to do with the people.
Q Are you acquainted with her? A Yes I know her.
Q Was this child born to Rebecca Quinton during the time she was married to Moses Quinton? A Yes sir.
Q Do you know whether or not this child was recognized as the child of Moses Quinton? A Yes sir.

MR. HASTINGS: Do you know whether either of this child's parents were ever married before?
A Not that I know of. The girl was not, I know.
Q How long had you known the father before this marriage that you speak of?
A About three years.

Q Did you have any reason to believe that he had been married before
A No sir.
Q About how old was he when he was married?
A About twent y-one or two.
Q You never heard that he had been married before? A No sir.

JAMES WHRSENHUNT, being first duly sworn, and being examined, testified as follows:

MR. GIVENS: State your name, age and residence.
A James Whrsenhunt, fourty-four years old, residenceoin the Cherokee Nation.
Q How long have you been residing in the Cherokee Nation?
A I could not tell exactly, ever since I was a little boy, about thirty-three years.
Q Were you acquainted with Moses Quinton? A Yes sir.
Q Were you acquaintedwith his wife, Rebecca Quinton? A Yes sir.
Q Where did they live about the years 1888 and 1889?
A Lived about three miles and a half or four miles from Dickson, in the Canadian River.
Q How close was that to the place where you was then living?
A About a quarter of a mile.
Q Were you present at the marriage of Moses and Rebecca Quinton?
A No sir, I was not.
Q Well, they lived at about a quarter of a mile from you, as you state; do you know whwther they held themselves out as husband and wife? A They did, yessir.
Q Were they so regarded by the neighbors generally?
A By everybody.
Q Do you know how long Rebecca Quinton continued to live with Moses Quinton as his wife?
A I don't know exactly, something over tw years.
Q Did she live with him up to the time of her death? A Yes sir.
Q During the time she was living with him, do you know whether or not there was a child, Sarah Elizabeth, born to her? A Yes sir.
Q Do you know whether or not this child was regarded as the daughter of Moses Quinton? A Yes sir, it was.

MR. HASTINGS: Had either of the child's parents been married before
A The father never had. I don't know about the mother. I don't think so. The father never had.

BY COMMISSION OF MR. GIVENS: You submit the case? A Yes sir.

The attorney for the applicant and the representative of the Cherokee Nation submit the case, same is deemed completed, and will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoingis a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

Cherokee D 1102. J.B.B.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sarah E. Quinton as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on February 18,1901, William B. Beck appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of Sarah E. Quinton, a minor, as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 28,1902.

The evidence shows that the said Sarah E. Quinton is the child of Moses Quinton who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on November 21,1882, and that she was born subsequent to the admission of her father to citizenship. The said Sarah E. Quinton is identified on the 1894 pay roll of the Cherokee Nation. It does not appear just how long the said Sarah E. Quinton has lived in the Cherokee Nation, but it is shown that she had lived in the Cherokee Nation about three years continuously next before the application herein; that she was a resident of said Nation on June 28,1898, and at the date of the application herein.

It is, therefore, the opinion of this Commission that Sarah E. Quinton should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress, approved June 28,1898 (30 Stats.,495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this SEP 20 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee D 1102.

ADDRESS ON ... THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of William B. Beck for the enrollment of Sarah E. Quinton as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 115.

IN THE MATTER OF THE APPLICATION OF

Sarah E. Quinton

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony Feb 15/01

B Memo. of application Feb 15/01

C Act of re-admission (certified copy)

E Notice of final consideration, 3/19/02

Transferred to Chest

June 14 1926

Admission Ec

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
FEB 19 1901

ACTING CHAIRMAN.

D
DOUBTFUL AS
TO APPLICANT.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEBUARY 15th, 1901.

IN THE MATTER OF THE APPLICATION OF Jasper - John Jasper - Coughran for the enrollment of himself, wife and children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give me your full name? A Jasper Coughran.
Q Any middle name? A John Jasper.
Q How old are you? A Forty three.
Q What is your Postoffice? A Fawn.
Q In what district do you live? Canadian? A Yes, sir.
Q Do you want to enroll yourself and family? A Yes, sir.
Q Have you a wife? A Yes, sir.
Q How many children? A Three.
Q Are you a Cherokee by blood? A No, sir.
Q White man? A Yes, sir.
Q Is your wife a Cherokee by blood? A Yes, sir.
Q When were you married? A In '87 I believe.
Q Have you a license and certificate? A No, sir.
Q Did you marry under a Cherokee license? A Yes, sir.
Q What did you do with the license? A Never got them back. I sent for it but did not get them.
Q Have you lived with your wife ever since you married her in 1887? A Yes, sir.
Q Were you ever married before you married this wife? A No, sir.
Q Was she ever married except to you? A No, sir.
Q Give me the name of your wife? A Lydia.
Q How old is she? A She's thirty.
Q Has she lived in the Cherokee Nation all her life? A Yes, sir.
Q Give me the name of her father? A Well, I can't hardly do that. She bore the name of her mother and was married under that name.
Q Do you know what her father's name was? A No, sir.
Q Give me the name of her mother? A Her mother was Clara Crittenden (Clare)
Q Was her mother a Cherokee by blood? A Yes, sir.
Q Is she dead? A Yes, sir.
Q Give me the namesof the children? A Mary.
Q Mary is the oldest, is she? A Yes, sir.
Q How old is that child? A Eleven years old.
Q Next child? A Jesse.
Q Boy or girl? A Boy.
Q How old is he? A Eight.
Q Next child? A Lillie.
Q How old is she? A Four.
Q Are these children all living? A Yes, sir.
Q Who here knows that you and your wife have lived together as husband and wife? (No response)

HENRY W. COUGHRAN, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give your full name? A Henry W. Coughran.
Q How old are you? A Forty.
Q What is your Postoffice? A Fawn.
Q In what district do you live? A Canadian District.
Q How long have you livedin the Cherokee Nation? A
A Twenty two years.
Q Your brother here is a married man, is he? A Yes, sir.
Q To whom is he married? A They called her Lydia Crittenden.
Q Was he ever married except to that wife? A No, sir.
Q Was she ever married except to him? A No, sir, not that I know of.
Q How long has he been married? A He has been married thirteen years.
Q And how old is his wife? A About thirty I Reckon.

Q Then she was not more than seventeen when he married her?
A Seventeen, yes, sir.
Q She was recognized as a young unmarried woman? A Yes, sir.
Q They have lived together ever since they married, have they?
A Yes, sir.

APPLICANT RECALLED:

Tribal Rolls of the Cherokee Nation examined and the name of the applicant's wife found thereon as follows:

1896 Census Roll, Page 12, #341, Lydia Caughron, Canadian District. NOTE:"Lydia failed to appear on rolls; grand daughter of Mose Crittenden in Going Snake District: O. K. by Committee."

Q Did you have your wife enrolled in 1896? A Why I think I have had her enrolled every enrollment.
Q Never mind any other enrollment; in 1896? A Yes, sir she was enrolled.
Q You saw to it yourself? A Yes, sir.

Com'r. C. R. Breckinridge: This reference "failed to appear on roll" is considered to mean that she was not found on the roll of 1880, as she is not found upon said roll at this time.

Tribal Rolls of the Cherokee Nation examined and the names of the applicant and his children appear thereon as follows:

1896 Census Roll, Page 86, #42, Jasper Coughran, Canadian District.
1896 Census Roll, Page 12, #342, Mary Caughron, Canadian District.
1896 Census Roll, Page 12, #343, Jesse Caughron, Canadian District.

Q Do you know why your wife does not appear on the roll of 1880?
A No, sir; I don't know.
Q Were not her family readmitted by the Cherokee Commission or Council after 1880? A No, sir.
Q Or possibly before 1880? (No response)

By Mr. J. L. Baugh, Cherokee Representative:
Q Where was your wife living in 1880? A She has lived in the Cherokee Nation all her life. Never lived out of it.

By Com'r. C. R. Breckinridge:
Q Do you know whether your wife's mother was living in 1880?
A No, sir; I am satisfied she was not.

William B. Beck, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:
Q Give your full name there? A W. B. Beck.
Q Your Postoffice is Fawn? A Yes, sir.
Q You live in Canadian District? A Yes, sir.
Q You are fifty three years old? A Yes, sir.
Q You have lived in the Cherokee Nation since 1870, have you not?
A Yes, sir.
Q Do you know the wife of Jasper Coughran here? A Yes, sir.
Q Her name is Lydia, is it? A Yes, sir.
Q Do you know her mother? A I do.
Q Do you know about how long her mother has been dead?
A I believe she has been dead something like twenty three years.
Q Do you know the father of this Lydia? A No, sir I don't.
Q Did he die before Clara (Clare) did? A She was an unmarried woman.
Q Who was an unmarried woman? A Clara (Clare)
Q But she was a Cherokee by blood? A Yes, sir.

Q Therefore you do not know anything about when the father died?
A No, sir.

By Mr. J.L. Baugh, Cherokee Represenative:
Q Do you know where the wife of this gentleman was living at in 1880? A No, sir I don't.
Q You do not know whether she was in the Cherokee Nation or not?
A I think she was; I am not sure.

Com'r. C. R. Breckinridge:
Q She was an orphan? A Yes, sir.

By Mr. J. L. Baugh, Cherokee Represenative:
Q Where was she born at ? A In Goingsnake District.

Com'r. C. R. Breckinridge:
Q Did you know her in her childhood? A I did.
Q About how old was she when you first knew her?
A Probably a week old.
Q Has she lived in the Cherokee Nation ever since? A Yes, sir.
Q You know her mother was recognized as a Cherokee by blood ?
A Yes, sir.
Q The mother of Lydia was a sister to your wife, was she?
A Yes, sir.
Q And your wife has just been identified on the roll of 1880?
A Yes, sir.
Q They had the same mother? A yes, sir.
Q Full sisters? A Yes, sir.
Q As far as you know? A Yes, sir.
Q They had the same mother any how? A Yes, sir.
Q Give me the name of your wife? A Malinda J. Beck.

APPLICANT RECALLED:
Com'r. C. R. Breckinridge: The applicant applies for the enrollment of himself, his wife and three children; his wife is identified on the roll of 1896, but not upon the roll of 1880; it is established however by satisfactory testimony that she is a native of the Cherokee Nation and has lived in the Cherokee Nation all her life; and that her failure to be on the roll of 1880 was due to her being an orphan at that time, the matter being neglected. Her mother is shown to be a full sister of Malinda J. Beck, who has just been identified on the roll of 1880 and duly enrolled.

The note on the roll of 1896 fully indicates that the Cherokee Committee at that time endorsed the applicant's wife as being of undoubted Cherokee blood and nativity. His wife will now be listed for enrollment as a Cherokee by blood.

The three children named in the testimony are all minors;are living; the marriage between the applicant and his wife is established by satisfactory personal testimony and is shown by the enrollment of 1896: The first two of these children are duly identified on the roll of 1896 and will be listed for enrollment as Cherokees by blood.

When the Commission is supplied with a proper certificate of the birth of the youngest child, Lillie, this child also will be listed for enrollment as a Cherokee by blood.

While it is shown in a satisfactory manner that the applicant was married to his wife in 1887, and that neither was previously married and that they have lived together in the Cherokee Nation ever since their marriage, yet the applicant is unable to supply the Commission at this time with a copy of his Cherokee license and the certificate of marriage in accordance therewith: He will now be listed for enrollment as a Cherokee by intermarriage, but upon a doubtful card, to await the copy of his Cherokee license and certificate.

JOHN JASPER COCHRAN ET AL.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 16th day of February, A. D., 1901.

COMMISSIONER.

C.0103

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 28 1902

ACTING CHAIRMAN

Supl.-C.B.#1103.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 19, 1902.

SUPPLEMENTAL in the matter of the enrollment of JOHN J. COUCHRAN as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 28, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902, and that on said date he could appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting his application. The applicant has this day, to-wit: the 19th day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---oooOOOooo---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 18 1902

Acting Chairman.

Cherokee D-1103.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., September 29, 1902.

In the matter of the application of John J. Coughran for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A John J. Coughran.
Q What is your age at this time? A 44.
Q What is your postoffice address? A Fawn.
Q Are you the same John J. Coughran for whom application was made as an intermarried citizen on February 15, 1901? A Yes sir.
Q Do you claim as an intermarried citizen now, do you? A Yes sir.
Q What is your wife's name? A Lydia.
Q What was her maiden name? A I can't tell.
Q What was her name when you married her? A Her mother's name was Crittenden. I don't know what her father's name was.
Q Is she a citizen by blood? A Yes sir.
Q When were you and she married? A In '87.
Q Had you ever been married prior to your marriage to this wife? A No sir.
Q Had she ever been married prior to her marriage to you? A No sir.
Q You her first husband? A Yes sir.
Q She your first wife? A Yes sir.
Q You never have been ~~married~~ married to any other woman since your marriage to this woman, have you? A N sir.
Q Have you and she lived together as husband and wife continuously since your marriage up until the present time? A Yes sir.
Q You were living together on the first day of September, 1902? A Yes sir.
Q How long have you lived in the Cherokee Nation? A 23 or 4 years.
Q Have you lived here all the time for the last 23 years? A Yes sir.
Q How long has your wife lived in the Cherokee Nation? A She was born and raised in the Cherokee Nation.
Q And she lived in the Cherokee Nation all her life? A Yes sir.
Q She never made her home anywhere else? A No sir.
Q Have you any children? A Four.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. T. Rothenburger

Subscribed and sworn to before me this 16th day of October, 1902.

B. C. Jones
Notary Public.

Cherokee D-1103.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John J. Coughran as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on February 15, 1901, John J. Coughran appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment, among others, of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on September 29, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that the said John J. Coughran was lawfully married on December 25, 1887, to Lydia Crittenden, a citizen by blood of the Cherokee Nation, under authority of a Cherokee marriage license and in accordance with Cherokee law. The said John J. Coughran is identified on the 1896 Census Roll of the Cherokee Nation..

The evidence further shows that John J. Coughran has lived with his said wife in the Cherokee Nation continuously from the date of his marriage to her up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that John J. Coughran should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this NOV 20 1902

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee [illegible].

WORK UNDER THE DIRECTION OF THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 26, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting the application of John J. Geoghran for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. H-201.

IN THE MATTER OF THE APPLICATION OF

John J. Bowman

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original Preliminary Petition Feby. 15.01.

B Amend. to application Feby 15.01

C Certified copy of marriage Record

D Notice of final consideration 3/19/02

Decision - Ex

Cher D 1104

Cher D 1104

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
FEB 16 1901

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 18th, 1901.

In the matter of the application of Sallie Emily Jordan for the enrollment of herself and children as citizens of the Cherokee Nation; said Jordan being sworn and examined by Commissioner Brockinridge, testified as follows:

Q Give me your full name? A Sallie Emily Jordan.
Q How old are you? A 25.
Q What is your post office? A McLain.
Q In what district do you live? A Canadian.
Q Who is it you want to enroll, just yourself? A Myself and three little children.
Q Have you a husband? A No, sir.
Q Are you a Cherokee by blood? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Eleven years.
Q Give me the name of your father? A Clay Freeny.
Q Is he dead? A No, sir.
Q Give me the name of your mother? A Mary Freeny.
Q Is she dead? A Yes, sir.
Q You have been married? A Yes, sir.
Q How many times? A Twice.
Q To whom were you married first? A John Turnbull.
Q Is he dead or alive? A Dead.
Q Was he a Cherokee or white man? A Choctaw.
Q When did he die A He died in '89.
Q Then you must have married very young? A I was 15.
Q And after that you married your second husband? A Yes, sir.
Q Give me his name? A Joe Jordan.
Q Was he a Cherokee or white man? A Cherokee.
Q Is he dead? A Yes, sir.
Q When did he die? A 1897.
Q Have you certificates of marriage to these men? A I haven't with me.
Q Is there anyone here that knows that you were married A Yes, sir
Q How your father or mother were admitted to citizenship by the Cherokee Commission or Council were they; have you a certificate showing that your father and mother were admitted to citizenship? A No, sir, I haven't.

Com'r Brockinridge:--It is shown by the printed record in the possession of the Cherokee representatives present that Sarah E. Freeny was admitted to citizenship by the Cherokee Council December 20th, 1889. She is identified with her family as among those admitted at that time.

Q How after your admission you came to the Cherokee Nation eleven years ago? A Yes, sir.
Q Was that after the death of your first husband? A No, sir.
Q Before he died? A Yes, sir.
Q Was it before you married him? A No, sir.
Q Well, you and he were married? A Yes.
Q And your last husband is a Cherokee citizen? A Yes, sir.
Q Has your last husband lived in the Cherokee Nation all his life? A No, sir; I don't know just how long he has lived here; he came here when he was quite young.
Q How old was your last husband when he died? A 36 years old I believe.
Q Now give me the names of your children? A Joseph Lone Jordan.

Q How old is that child? A He is seven years old.

Q The next child? A Johnathan David, he is five.
Q The next child? A Evelina.
Q How old is that child? A She is three years old.
Q Are these children all living now? A Yes, sir.
Q Living with you in the Cherokee Nation A Yes, sir.
Q When were you and Joe Jordan married? A '90.
Q About '90? A Yes, sir.
Q You say this lady knows of your being married? A Yes, sir, my mother-in-law.

SARAH A. JORDAN, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name, madam? A Sarah A. Jordan.
Q What is your age? A I am 69 years old, the 3d day of last November.
Q What is your post office? A McLain.
Q Do you live in the Cherokee Nation? A Yes, sir.
Q In what district do you live? A Canadian.
Q Do you know this lady here, Sallie E. Jordan? A I do.
Q Was she married to your son? A Yes, sir.
Q His name was Joseph Jordan was it? A Yes, sir.
Q Did your son, Joe Jordan, live in the Cherokee Nation all his life? A No, sir.
Q What time did he go there, how old was he? A He must to have come to the Cherokee Nati on about '58, as well as I recollect.
Q Well did you know this lady before she married your son, Joseph? A Well I had seen her but I was not very well acquainted with her.
Q What was her name at the time she married your son? A Turnbull, I believe.
Q She had been married to a man named Turnbull? A Yes, sir.
Q What was her name before she married Turnbull? A Freeny.
Q Did you know her or any of her family before she married Turnbull? A No, sir, I did not know her until she was a widow.
Q Did you know and always understand that she was a Freeny? A Yes, sir; I saw her mother and knew that she was a Freeny.
Q You know that she is a daughter of Mary Freeny? A Yes, sir.
Q Always passed as her daughter? A Yes, sir.
Q Claimed as her daughter? A Yes, sir.

Tribal rolls of the Cherokee Nation examined and applicants' names found thereon as follows:

1880 Authenticated Roll; page 27, #272, Joe Jordan, Canadian district.

1896 Census Roll; page 36, #1042, Joseph Jordan, Canadian district.

1896 Census Roll; page 36, #1043, Sallie .. Jordan, Canadian district.

1896 Census Roll; page 36, #1045, Joseph E. Jordan, Canadian district.

1896 Census Roll; page 36, #1046, Johnathan D. Jordan, Canadian district.

SALLIE E. JORDAN, the Applicant, re-called, testified as follows:

Q Have you a copy of the Act of Council admitting you to citizenship in 1889? A No, sir.
Q Have you applied for enrollment in the Choctaw Nation? A No, sir.
Q You are not claiming citizenship or enrollment at all in the Choctaw Nation? A No, sir.

Nor Chickasaw Nation" A No, sir.

Com'r Breckinridge:--The applicant applies for the enrollment of herself and three children: She is shown by the printed list of re-admitted citizens in the possession of the Cherokee representative present to have been admitted to citizenship by the Cherokee Council December 20th, 1889. She states that she has lived in the Cherokee Nation for eleven years, having come to the Cherokee Nation with her first husband under that Act of admission, and that she has lived in the Cherokee Nation ever since. Her changes of name arising from marriage, she having been married twice, is satisfactorily established by her own testimony and by the testimony of the mother of her last husband. Her last husband, the father of these children and who is now deceased, is identified on the rolls of 1880 and 1896 as a Cherokee by blood. The applicant herself is identified on the roll of 1896 with her husband and she will now be listed for enrollment as a Cherokee by blood, but she is desired to supply the Commission with an official copy of the Act of Council admitting her to citizenship in 1889 and she will for the present be placed upon a doubtful card.

Of the three children named in the testimony the first two are duly identified on the roll of 1896. They are living and will be listed for enrollment as Cherokees by blood, on the card with their mother. When she supplies the Commission with a proper certificate of the birth of her youngest child, Evelina, this child will also be listed for enrollment as a Cherokee by blood on the card with its mother.

SUPPLEMENTAL to the above Application: SALLIE E. JORDAN, the Applicant, re-called, testified as follows:

Q You were never married except to these two husbands? A No, sir.
Q Your first husband, was he ever married except to you? A No, sir.
Q Your second husband, was he ever married except to you? A Yes, sir.
Q How many times before he married you A Once.
Q Was that wife dead when he married you? A No, sir.
Q She was not dead? A No, sir.
Q Had he been divorced from her? A Yes, sir.

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J. O. Hosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 16th day of February, 1901.

Commissioner.

R 1109

Citizen by
final enrollment
citizen of the
Cherokee Nation

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 19 1901

ACTING CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, February 15, 1901.

7-D-377.

In the matter of the application for enrollment as citizens of the Choctaw Nation of Sallie E. Jordan, and the right to select for herself and children to be finally enrolled as citizens of the Choctaw or Cherokee Nation under the Act of Congress of June 28th, 1898.

The records of the Commission show that on August 25th, 1899, Sallie E. Jorden, twenty four years of age, was listed for enrollment as a doubtful claimant to citizenship in the Choctaw Nation, together with her three children, Lon, aged six, David, aged four, and Jane, aged two years, Mrs.Jorden and her first two children being identified from the 1896 Census Roll of the Choctaw Nation, as residents of Blue County, number 7225, 7229 and 7230, respectively. They appear upon the records of applicants for enrollment as citizens of the Choctaw Nation on Choctaw roll card, Field Number D-377. On February 15th, 1901, at Muskogee, Indian Territory, Sallie E. Jordan, twenty-five years of age, appeared before the Commission and made application for the enrollment of herself and her three minor children, Joseph I., seven years, Johnathan D., aged five, and Evaline Jordan, aged three. Mrs. Jordan and her first two children are identified by the Commission from the 1896 Census Roll of the Cherokee Nation, Canadian District, number 1043, 1045 and 1046, respectively, and appear upon the record of applicants for enrollment as citizens of the Cherokee Nation, on Cherokee roll card, Field Number D-1104.

Sallie E. Jordan, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

Q What is your name? A My name? Sallie E. Jordan.
Q How old are you? A Twenty five.
Q What is your post-office address? A Atoka.
Q Is that in the Cherokee Nation? A Yes sir.
Q What is your father's name? A Clay Freeman.
Q Is he a citizen of the Cherokee Nation? A No, sir.
Q Does he belong to any of the Five Tribes in the Indian Territory? A Yes sir; he is a Choctaw.
Q Choctaw by blood? A Yes sir.
Q How much Choctaw blood has he? A I don't know.
Q Was his mother and father both Choctaws? A His father was a white man.
Q His motherwas a Choctaw? A Yes sir.
Q He had no rights in any other tribe except as a Choctaw? A No sir; not that I know of.
Q What was your mother's name? A Her name was Mary Freeney.
Q To what tribe does she belong? A Cherokee.
Q How long have you lived in the Cherokee Nation? A I have

lived here eleven years.

Q You have applied for the enrolment of yourself and your three children as citizens of both the Choctaw and Cherokee Nations? A I didn't know I was registered in the Choctaw Nation.

Q Haven't you made any application to be enrolled as a Choctaw? A No sir; papa wrote to me and asked me if I wanted to be enrolled down there, and I wrote back and told him that I would enroll up here.

Q Well, did you authorize your father to make an application for you as a Choctaw? A No sir; not that I remember of.

Q Have you ever been before the Commission before you appeared before them as an applicant for enrollment as a Cherokee to-day? A No sir.

Q This is the first time, to-day, that you have made application for enrollment to the Commission? A Yes sir.

Q On August 25, 1899, at Caddo, in the Choctaw Nation, an application was made for the enrollment of yourself and your three children as citizens of the Choctaw Nation; do you know anything about that application? A When?

Q On August 25, 1899, a year ago last August? A No sir; I don't think I do. I never appeared in the Choctaw Nation to enroll in my life.

Q You state that you have lived in the Cherokee Nation for the past eleven years? A Well, I was raised in the Choctaw Nation up until eleven years ago.

Q Since you left the Choctaw Nation eleven years ago, have you ever received any benefits as a Choctaw citizen? AYes sir.

Q Did you participate in the 1893 Leased District payment made there, seven years ago? A Yes, I believe I did.

Q How much money did you get? A One hundred and three dollars; but I was living here.

Q But you did draw that money? A Yes sir.

Q Did you draw the Cherokee strip payment money in 1894 in the Cherokee Nation? A Yes sir.

Q Did you draw for any of your children in the 1893 payment; the Choctaw payment in 1893? A No sir.

Q

It appears from the records of the Choctaw Nation in possession of the Commission, on the 1893 pay roll of Blue County, on page 40, number 420, that Sallie Freeney, the daughter of K.C.Freeney, drew one hundred and three dollars, Leased District payment.

Q Now, after you married Mr.Jordan, you moved to the Cherokee Nation? A I married him in the Cherokee Nation.

Q Were you ever adopted by the Cherokee Council as a citizen? A Why, I suppose I was.

Q When was that? A Why, I don't know how long its been - about -

Q About how long ago was that, when you was admitted to citizenship as a Cherokee? A I don't know how long it has been.

Q When you first came to the Cherokee Nation? A Papa registered us before I came to the Nation.

Q Well, Mrs.Jordan, were these children, Joseph, Johnathan and Evaline, all born in the Cherokee Nation? A Yes sir.

Q Always lived there? A Yes sir.

Q Never lived anywhere else?? A No sir.

Sallie E. Jordan, et al., #3.

Q It appears from the records of the Choctaw and Cherokee Nations, in possession of the Commission that you and your children have been registered and enrolled by both the Choctaw and Cherokee tribal authorities as citizens of these two Nations. The Act of Congress of June 28, 1898, under which the Commission is preparing a roll of citizenship of the Five Tribes of the Territory, provides that:

> "The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distributions of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

Now, do you desire to elect for yourself and your children to have your names finally enrolled upon the rolls of citizenship of the Choctaw or Cherokee Nation? A I don't understand you.

Q You understand this law I read, don't you? A Yes sir.

Q Now, do you elect for yourself and your children to have your names placed upon the final rolls as citizens of the Choctaw or of the Cherokee Nation? A The Cherokee Nation.

Q Now, in the event the Commission enrolls you, and your name is approved upon the final rolls of the citizens of the Cherokee Nation, as submitted to the Secretary of the Interior, do you relinquish, for yourself and for your children, all right, title and interest you might have in any manner to the lands, moneys and other tribal properties of the Choctaw Nation? A Yes sir.

R. A. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings in the above entitled and numbered cause, and that the above and foregoing is a full true and correct copy of his stenographic notes therein.

R. A. Streit

Subscribed and sworn to before me this 16th day of February, 1901.

Guy L. Pennoyer

Notary Public.

C.D.#07

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 28 1902

ACTING CHAIRMAN

Supl.-C.D.#1104.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 19? 1902.

SUPPLEMENTAL in the matter of the enrollment of SALLIE E. JORDAN, ET AL., as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 28, 1902, that her applicationfor the enrollment of herself and others as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices at Muskogee, Indian Territory, on the 19th day of March, 1902, and that on said date she could appear before the Commission either in person or by a ttorney when an opportunity would be given her to introduce any additional testimony affecting her application. The applicant has this day, to-wit: the 19th day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed comp eted and will be reported to the Commission for final decision based upon the evidence now of record.

Mr. W. W. Hastings, Cherokee Representative, present.

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I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J O Rosson

Cherokee D 1104.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sallie E. Joseph L., Johnathan D. and Evelina Jordan as citizens by blood of the Cherokee Nation,

D E C I S I O N.

The record in this case shows that on February 15,1901, Sallie E. Jordan appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of herself and her three minor children, Joseph L., Johnathan D. and Evelina Jordan as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory on March 19,1902.

The records of the Cherokee Nation in possession of this Commission show that the said Sallie E. Jordan was admitted to citizenship in the Cherokee Nation on December 20,1889, by the duly constituted authorities of said nation, under the name of Sarah E. Freeney. The said Sallie E. Jordan, Joseph L. Jordan and Johnathan D. Jordan are identified on the 1896 Census Roll of the Cherokee Nation, and the said Joseph L., Johnathan D. and Evelina Jordan are shown to be the children of Sallie E. Jordan. The said Evelina Jordan is identified by a birth affidavit on file with this Commission.

The evidence further shows that the said Sallie E. Jordan has resided continuously in the Cherokee Nation for eleven years next before the application herein; that her three said minor children have lived in the Cherokee Nation all their lives, and that all those, for whom application is here made, were residents of the said nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Sallie E. Jordan, Joseph L. Jordan, Johnathan D. Jordan and Evelina Jordan should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress, approved June 28,1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory.
AUG 11 1902

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
Cherokee D 1104.

Muskogee, Indian Territory, August 13, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 11, 1902, granting the application of Sallie E. Jordan for the enrollment of herself and her children, Joseph L., Johnathan D. and Evelina Jordan, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against its decision, in granting the application of the above named persons. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 5.

IN THE MATTER OF THE APPLICATION OF

Sallie E. Jordan

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

a Original testimony } Feby 15/02
b Memo of application }

c Election of applicant to be enrolled as a Cherokee citizen

d Birth certificate of Evelina Jordan.

e Notice of final consideration 3/19/03

Cher D 1105

Cher D 1105

DEPARTMENT OF THE [illegible]
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 20 1901
[illegible] CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes.
[illegible], I. T., February 1, 1901.

In the matter of the application of John L. Horn for the enrollment of his brother, ROBERT L. HORN, as a citizen by blood of the Cherokee Nation;

John L. Horn being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A John L. Horn.
Q How old are you? A 32 years old.
Q What is your postoffice? A Vian.
Q What district do you live in? A Illinois.
Q Are you the applicant for enrollment, as such? A Yes sir.
Q Who is the next? A Robert L. Horn.
Q How old is he? A 27 or 8 years old.
Q Why does he not apply for himself? A He was in jail.
Q He's in jail? A Yes sir.
Q There? A At Fort Smith.
Q How long has he been there? A Since November.
Q Is his postoffice the same as yours? A Yes sir.
Q Is he awaiting trial there? A No sir.
Q What is he doing, undergoing sentence? A Yes sir.
Q How long has his sentence to run? A About a year.
Q He's a Cherokee by blood, is he? A Yes sir.
Q How long has he lived in the Cherokee Nation? A All his life.
Q Give me the name of his father. A John Horn.
Q Is he dead or alive? A Dead.
Q Give me the name of his mother? A Louisa.
Q Is she dead or alive? A She's living.
Q This brother, Robert, never been married, has he? A No sir.
Q He's your full brother? A Yes sir.

The Cherokee authenticated roll of 1880 examined, and the name of the applicant's brother is found on page 540, No. 871, as Robert L. Horn, in Illinois district.

The Cherokee census roll of 1896 examined, and his name is found on page [illegible], No. 87[illegible], as Robert Horn, in Illinois district.

Q Where was your brother convicted? A At the [illegible]; he was convicted in December.
Q When? A Last November.

Q [illegible]

[illegible] the enrollment of a brother who [illegible] in jail at Fort Smith, Arkansas, awaiting trial [illegible] of confinement about a year to run, and who is physically unable to [illegible] himself. This brother is a citizen by blood of the Cherokee Nation and a native Cherokee. He is said to have lived in the Cherokee Nation all his life, and now [illegible] for [illegible] charges by [illegible]; but in order to permit the Commission to examine the applicant in case they desire to do so, action will be suspended upon this doubtful card.

I, C. R. Breckinridge, Commissioner to the Five Civilized Tribes, do hereby certify that the foregoing testimony was correctly taken by me, stenographically reported and transcribed.

Subscribed and sworn to before me this 1st day of February, 1901.

C. R. Breckinridge
Commissioner.

Cherokee-D- 1108

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

J.718

In the matter of the application for the enrollment of Robert L. Horn as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on February 15, 1901 John L. Horn appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of his brother, Robert L. Horn, as a citizen by blood of the Cherokee Nation.

The evidence shows that the said Robert L. Horn is a Cherokee by blood. He is identified on the 1880 authenticated tribal roll of the Cherokee Nation, and on the 1896 Census Roll of said nation.

The evidence further shows that the said Robert L. Horn has resided in the Cherokee Nation all his life.

It is, therefore, the opinion of this Commission that Robert L. Horn should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898(30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

C. R. Breckinridge

Commissioner.

Muskogee, Indian Territory,

this SEP 20 1902

HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 1105.

Muskogee, Indian Territory, September 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of John L. Horn for the enrollment of his brother, Robert L. Horn, as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 126.

IN THE MATTER OF THE APPLICATION OF

Robert L. Ross

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

(Original testimony Feby 15/01

Memo. Feby 15/01

Cher D 1106

Cher D 1106

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 15, 1901.

In the matter of the application of William B. Allen for the enrollment of himself, wife and children as Cherokee citizens; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A William B. Allen.
Q How old are you, Mr. Allen? A I was 46 years old the 8th of August, last.
Q What is your postoffice? A Vinita.
Q In what district do you live? A Delaware district.
Q Who is it you want to enroll, yourself and family? A Myself and family, yes sir.
Q Have you a wife? A Yes sir.
Q How many children have you? A I have four children, Judge.
Q Are you a Cherokee by blood? A I am a Cherokee by blood, yes sir.
Q Your wife a Cherokee or a white woman? A She's a Shawnee woman.
Q Have you your marriage license and certificate? A I haven't them with me.
Q When were you married? A In '83.
Q To whom were you married? A Anna J. McClain.
Q Were you ever married except to this wife? A No sir.
Q Never married before? A No sir.
Q Was she ever married except to you? A Yes.
Q Was her former husband dead when she married you? A Yes.
Q Have you lived with her ever since you and she were married? A Yes sir.
Q And all the time in the Cherokee Nation? A All the time in the Cherokee Nation, yes sir.
Q Your wife's present name is Anna J. Allen? A Yes sir.
Q How old is your wife? A 36 years old.
Q How long has she lived in the Cherokee Nation? A She's been here ever since '70; She came before you when you were at Vinita, but you couldn't find her name. I think you will find her with Thomas Dougherty's family.
Q Has she already applied for enrollment? A She came before you at Vinita.
Q Did she apply for you at that time? A No sir.
Q Did she apply for the children at that time? A No sir.
Q You say she applied for enrollment at Vinita, did she? A Yes sir.
Q Did your wife come with the Shawnees in '71? A Yes sir.
Q Has she lived in the Cherokee Nation ever since '71? A Yes sir, ever since.
Q Give me the name of her father. A John McClain.
Q Is he dead or alive? A He's dead.
Q Give me the name of her mother. A Anna McClain.
Q Is she dead or alive? A She's dead.
Q Give me the names of your children. A Ada B.
Q How old is that child? A She's 13.
Q How long have you lived in the Cherokee Nation yourself? A About 18 years.
Q What is the name of your next child after Ada? A Ida E., she's 8 years old.
Q The next child? A William C.
Q He was born December 8, 1886? A Yes sir.
Q Another child named John O.? A Yes sir.
Q This child is 2 years old? A Yes sir.
Q You have these four children living? A Yes sir.

The applicant presents a duly authenticated certificate of the records of the Commission on Citizenship showing that on the 3rd of September, 1883, W. B. Allen was admitted to citizenship by the Commission as a Cherokee by blood. This is filed herewith.

(The authenticated roll of 1880 examined, and the name of the applicant's wife not found thereon).

By the Applicant- You will find her enrolled probably with Thomas Dougherty'an uncle of hers. She was living with them. Her father and mother were dead. If she aint with them, she was living with the Kaysers.

Q What are the names of the Kaysers? A Tom Dougherty told me he enrolled them in 1893.
Q I am talking about 1880? A She was living with Thomas Dougherty.

The Cherokee census roll of 1896 examined, and the name of the applicant is found on page 430, No. 21, as William Bartain Allen, in Delaware district; his children are found on the 1896 roll as follows:
On page 430, No. 23, Ada Bell Allen, Delaware district.
On page 430, No. 24, Ida Elizabeth Allen, Delaware district.
On page 430, No. 25, William Curtis Allen, Delaware district.
The applicant's wife is found upon the Shawnee pay roll of 1896, as follows: On page 1, No. 6, as Annie Allen, Cherokee- Shawnee Pay Roll. Her name is also found upon the census roll of 1896 as follows: On page 596, No. 9, Amie Allen, in Delaware district. (Listed as a Shawnee).

Q Is there anybody here that knows that you and your wife are living together as husband and wife? A Nobody here.
Q Where did you marry your wife? A In Vinita.
Q Who married you? A Pascale Fish.
Q Is he a preacher? A A Shawnee man, a preacher.
Q Did he give you a certificate of marriage? A Yes sir.
Q What did you do with it? A I left them at home.
Q Is he still living? A No, he's been dead for four or five years.

Commissioner Breckinridge-
The applicant applies for the enrollment of himself, his wife and four children. He is shown to have been admitted to citizenship by the Cherokee Commission on Citizenship in 1883. He states that he came to the Cherokee Nation 18 years ago, and has there lived ever since. He is identified on the roll of 1896, and he will be listed for enrollment as a Cherokee by blood. He states that his wife is a Shawnee, and that she came to the Cherokee Nation with the Shawnees in 1871, and has lived there ever since. It appears that she was an orphan at an early age, and had lived with different ones, and she cannot be identified on the roll of 1880. While there are a number of McClains on the Original Shawnee roll, many of them are given simply as McClain, and neither this woman, or her father, or mother, can be definitely identified. It is probable that her omission from the roll of 1880 is more apparent than real as the name she bore at that time cannot be definitely determined. With reasonable accuracy, she is identified on the Shawnee Pay roll of 1896, and on the Cherokee Census roll of 1896, on the latter being, if identified, indicated as a Shawnee: but on neither roll is she referred to as the wife of the applicant, or as the mother of his children. She will be listed for enrollment as a Cherokee-Shawnee, but upon a doubtful card to await her more satisfactory identification as a Shawnee; in the lack of which she would be entitled to enrollment as a Cherokee by adoption when her marriage is more satisfactorily established with the applicant. He states that he was never previously married, but that his wife was married before, but that her husband was dead when she married him, and that he has a certificate of marriage to this wife in 1883 at home. He is desired to send that certifi-

cate to the Commission. Of the four children named in the testimony, Ada B., Ida E., William C., and John O. Allen, the first three are identified on the roll of 1896 with the applicant himself; they are all said to be living now, but it is insufficient for these children to be identified simply with the father; the status of their mother must be determined. They will therefore be listed for enrollment as Cherokees by blood, but upon a doubtful card to await the further identification of their mother, particularly as relates to her marriage to their father. He is required to supply the Commission with a certificate of birth of the youngest child, John O. Allen.

E.C.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. C. Rothenberger

Subscribed and sworn to before me this 16th day of February, 1901.

Commissioner.

1106

FILED
APR 9 1902

To be filed in S. D-1106.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 5, 1902.

In the matter of the application of Annie J. Allen for the enrollment of herself and children as Cherokee citizens.

—o—

The applicant in this case was notified by registered letter on February 28, 1902, that her application for the enrollment of herself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its office, in Muskogee, Indian Territory, on the 19th day of March, 1902; that on said date she might introduce any further testimony affecting her application.

Receipt was acknowledged of the Commission's letter and on March 19, 1902, the case was continued by agreement to April 5, 1902; the same being this 5th day of April, 1902, called, the applicant failing to appear in person or by attorney, the record in the case is deemed completed and the same will be reported to the Commission for decision, based upon the evidence of record.

—o—

I, the undersigned stenographer to the Commission to the Five Civilized Tribes, do hereby certify that I recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

E. V. Richardson Jr

D. 1108.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 15, 1902.

In the matter of the application of Annie J. Allen and others for enrollment as citizens of the Cherokee Nation.

SUPPLEMENTAL TO D-1108.

Applicants appear by S. S. Clover, Vinita, I. T.
Cherokee Nation appears by W. W. Hastings.

COMMISSION: By agreement this case is reopened this 15th day of May, 1902, and the following proceedings were had.

THOMAS DAUGHERTY, being first duly sworn, testified as follows:

MR. CLOVER: What is your name, age, and postoffice? A My name is Thomas Daugherty, age 53, postoffice Vinita.
Q State what tribe of Indians you belong to? A Shawnee tribe, Cherokee-Shawnee rather.
Q Are you pretty well acquainted with the members of the Cherokee-Shawnee tribe who came down here and registered and lived there and married and died, as a general thing about the affairs of the Shawnee tribe of Indians? A Yes, sir.
Q Do you know a woman who is the wife of William B. Allen? A Yes, sir.
Q A Cherokee Indian who is now a resident of Vinita, Indian Territory and how long have you known her? A I have known her about ever since oh about '73 or '4.
Q Who was her father; what tribe did he belong to? A Her father's name was John McLain, belonged to the Shawnee tribe.
Q Who was her mother? A Her mother was named Ellen Keiser.
Q Where and about when was she born? A Why I don't know where and when she was born, I don't know.
Q Well is she a Shawnee Indian by birth and blood? A Yes, sir.
Q When did she come to the Indian country, Cherokee Nation, and under what name do you know that she is registered, of course that's got to be put in, we want that established? A Why she was a McLain.
Q Now was you at any time ever appointed her guardian and by what court and where? A Yes, sir, I was appointed guardian for that child by the Cherokee court in Delaware District.
Q About what time was that? A Well I couldn't exactly state what year, but Judge Wiley was the judge then.
Q Well how near to '80 or not? A Somewhere along in there.
Q Well as her guardian did you or did you not - just state that way - whether you enrolled her upon the roll of '80, authenticated Cherokee roll, offer her name there? A I think I did.
Q As a member of your family? A No, sir, she was a niece of mine my wife at that time.

COMMISSION: Under what name did you enroll her? A Why Emma McLain.
Q How did she get the name of Emma McLain? A Well that was the name that she went by at that time.
Q But her correct name is Annie is it? A Well, afterwards she went to school, why she got this Annie and she signed her name Annie E.
Q Do you know whether she was registered as Emma McLain in '80?
A Emma McLain.
Q This girl have any brothers or sisters? A No, got a half-sister.
Q Same mother? A Same mother.
Q What was her half-sister's name? A Her name was Eliza Kuhn.

Q Was she older or younger than this Annie E. McLain? A Younger.
Q How much younger? A I don't know how many years, think Eliza was born about '75 or '6.
Q Eliza Kuhn? A Kuhn.
Q Did the mother of this woman marry after her husband, McLain died? A Married David Daugherty.
Q She married David Daugherty? A Yes, sir.
Q How long has this applicant's mother been dead? A Why I think she died about '77 maybe '8.
Q And this child Eliza that you speak of is her child by David Daugherty? A Yes, sir.
Q And Eliza is a half-sister of the applicant? A Yes, sir.
Q Had the same mother? A Same mother, she was a Keizer, maiden name was Keizer, married to McLain, John McLain.
Q How long has he been dead? A Why I don't know when he did die, along in the '70's somewhere.
Q This child came and lived with you immediately after the death of her mother? A Yes, sir, the mother of this child was my wife's sister, that's how this child come to be around, and she came to live with me immediately after the death of her mother.
Q Has she resided continuously in the Cherokee Nation since that time? A Ever since, yes, sir, excepting what little time she went to school at Wyandotte, and that wasn't long.
Q About when was that? A That was along before '80.
Q Before '80? A Yes, sir.
Q But she was living with you when that '80 rollwas made? A Yes, sir.
Q Did you apply to the census enumerators to have her enrolled? A I thought I did.
Q Have you applied to have her enrolled under the name of Emma McLain? A That was the name she went by, Emma McLain.

Authenticated Roll of 1880 examined and the name of the applicant does not appear thereon.

MR. CLOVER: You know John McLain when he come to the Cherokee Nation under the agreement of June 9, '00? A Yes, sir.
Q And about what time did he die? A Well that I couldn't say exactly.
Q Well you knew his wife; what was her name? A Her name you mean?
Q Yes. A Her name was Ellen Keizer.
Q And did they have any children? A Had one child.
Q That the only child that he had at that time? A Only one I know of that marriage.
Q And how old was she about the time - how old was the child at the time this moving took place to the Cherokee Nation, about how old was she? A I couldn't state how old she was.
Q I want to get the facts as well as anybody else? A I don't know, must have been a year or two old, might have been older, I couldn't say.
Q And who has she married; you have known her ever since the time she came here have you not? A Knew her before she ever came here.
Q And who she married and how many marriages have taken place? A Well she married, this woman, and she married David Daugherty after she came to the Cherokee Nation.
Q Now you state that she had one child by John McLain; what is the name of that child as you knew her? A Why I knew her as Emily McLain.
Q When did you first ascertain her name to be otherwise? A I think after she went to school as near as I can remember.
Q What did they call her? A Annie.
Q To whom is she now married? A William Allen.
Q To what tribe does he belong? A Claims to be a Cherokee.

Q How many children have they got? A About five, maybe six.
Q About what time was the last one born? A Oh I guess it's been about two months ago, maybe more.
Q Well I wish to ask you, you are well acquainted about the rolls made by John W. Wallace and the payment thereunder; I wish to ask if you was present when this Annie or Emily Allen, nee McLain, applied there to be enrolled? A I suppose I was.
Q Was you or was you not interpreter at that time? A I was.
Q How do you know whether she drew the money under that roll? A Yes, sir, she did.
Q Well you remember the Shawnees having a roll, commonly called before the Shawnees as the Shawnee money, seven dollar roll, was she enrolled upon that roll? A Yes, sir.
Q Well was her children enrolled upon either the Wallace roll or that seven dollar roll? A Yes, sir, I think so.
Q You think her children was enrolled on either one? A Why I don't think so on the Wallace roll, I don't know.
Q Well then again you remember the roll made by James G. Dixon commonly called the Dixon roll? A Yes, sir.

COMMISSION: Attention is here invited to the name of John McLain as it appears opposite No. 507 on the register of Shawnees; also to Nos. 505 and 506 on said roll. It would appear that No. 506 is the applicant in this case.

Q How did John McLain ever have any children by any other woman than his wife Ellen? A Yes, sir. I think he married again.
Q That was after, though, after that Shawnee register? A After they had separated, yes, sir.
Q Now when he came down here with the Shawnees did he have any children other than the applicant? A No, think not.
Q She was the only child he had at that time? A Yes, sir, had several children since.
Q This girl has lived in the Cherokee Nation ever since she came here? A Yes, sir. She has been in the Cherokee Nation now, living in the Cherokee Nation, Canadian.

Arthur C. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur C. Croninger

Subscribed and sworn to before me this 17th day of May, 1907.

Notary Public.

Cherokee - 1106

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Annie J., Ada B., Ida E., William C. and John O. Allen as citizens of the Cherokee Nation of Shawnee blood.

D E C I S I O N.

The record in this case shows that on February 15, 1902, William B. Allen appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment, among others, of his wife, Annie J. Allen, and his four minor children, Ada B., Ida E., William C. and John O. Allen, as citizens of the Cherokee Nation of Shawnee blood. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on April 5, 1902 and May 15, 1902. The other party to the application is differently classified, and is not embraced in this decision.

The evidence shows that the said Annie J. Allen is of Shawnee blood. She is identified on the 1896 Census Roll of the Cherokee Nation, and on the Shawnee Pay Roll of 1896. She is also identified with reasonable accuracy on the 1871 Register of Shawnees.

The three minor children, Ada B., Ida E. and William C. Allen are identified on the 1896 Census Roll of the Cherokee Nation.

The child, John O. Allen, is identified by a birth affidavit on file with this Commission.

The evidence further shows that the said Annie J. Allen has continuously resided in the Cherokee Nation since 1871, and that she and her said children were residents of said nation at the date of the application herein.

It is, therefore, the opinion of this Commisdon that Annie J. Allen, Ada B. Allen, Ida E. Allen, William C. Allen and John O. Allen should be enrolled as citizens of the Cherokee Nation of Shawnee blood in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898(30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this SEP 20 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
Cherokee D 1106.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of William B. Allen for the enrollment of his wife, Annie J. Allen, and his four minor children, Ada B., Ida E., William C. and John O. Allen, as citizens of the Cherokee Nation of Shawnee blood.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 116.

IN THE MATTER OF THE APPLICATION OF

Minnie J. Allen et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

1 Original testimony taken by 1/5/01

2 Memo. to applicants Feby 15 1901

3 Birth certificate, John O. Allen.

4 Notice of final consideration, 3/19/02

Transferred to
Chr 9828

Cher D 1107

Cher D 1107

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7

Test.

Comparison.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 16, 1901.

In the matter of the application of Gideon D. Sleeper for the enrollment of himself, wife and children as Cherokee citizens; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Gideon D. Sleeper.
Q How old are you? A 42 years old.
Q What is your postoffice? A Mahoner.
Q Do you live in the Cherokee Nation? A Yes sir.
Q In what district do you live? A Coowescoowee.
Q Do you want to enroll yourself and family? A Yes sir.
Q Have you a wife? A Yes sir.
Q How many children have you? A Four.
Q Are you a Cherokee by blood? A No sir.
Q White man? A Yes sir.
Q Is your wife a Cherokee by blood? A Yes sir.
Q Have you your marriage license and certificate? A No sir, they were burned.
Q When were you married? A I was married in June, 1894.
Q You were married under a Cherokee license, were you? A Yes sir.
Q And who married you, a Clerhyman? A Yes sir, preacher by the name of Crawford.
Q Where was your license and certificate burned? A At Capt. Jackson's; his residence burned.
Q Did you try to get an official copy? A No sir, I understand I can file this a little later.
Q Have you lived with your wife ever since you and she were married? A Yes sir.
Q Were you ever married before you married your present wife? A Yes sir.
Q How many times? A Once.
Q To whom were you first married? A Maria Evans.
Q Is she dead or alive? A Alive.
Q Is she a Cherokee or white woman? A She was a white woman.
Q Were you and she ever divorced? A Yes sir.
Q When were you divorced? A '93.
Q Where was the decree obtained? A Waco, Texas.
Q Have you a copy of the decree of divorce? A No sir, I haven't.
Q Give me the name of your present wife? A Minnie Sleeper; her former name was Jackson.
Q. How old is she? A 29 years old.
Q Was she ever married except to you? A No sir.
Q Has she lived in the Cherokee Nation all her life? A Yes sir.
Q Give me the name of her father? A William Jackson.
Q Is he dead? A No sir, he's living.
Q Give me the name of her mother? A Mattie Jackson.
Q Is she dead? A No sir.
Q Give me the names of your children? A Julia Sleeper.
Q How old is that child? A 6 years old.
Q The next child? A Gideon D. Sleeper, Jr.
Q How old is he? A He's 3 years old.
Q The next child? A Walter J. Sleeper.
Q How old is that child? A 2 years old in March.
Q The next child? A Mattie Sleeper.
Q How old is that child? A One month old to-day.
Q These children all living, are they? A Yes sir.

2- C.D.S.

The authenticated roll of 1880 examined, and the name of the applicant's wife appears on page 123, No. 1561, as Minnie Jackson, Cooweescoowee district.

The census roll of 1896 examined, and the names of the applicant, his wife and the oldest child appears as follows:
On page 323, No. 900, Gideon D. Sleeper, Cooweescoowee district.
On page 348, No. 4180, Minnie Sleeper, Cooweescoowee district.
On page 348, No. 4181, Julia Sleeper, Cooweescoowee district.

Q Is there anyone here that knows you and your wife are husband and wife, and living together? A Yes sir, Mrs. Bushyhead.

Witness, Eloise Bushyhead, being sworn and examined by Commissioner C. H. Breckinridge, testified as follows:

Q Give your full name. A Eloise Bushyhead.
Q What is your age? A 40.
Q What is your postoffice? A Tahlequah.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know the applicant here, Mr. Sleeper? A Yes sir.
Q You know his wife? A Yes sir.
Q What is her name? A Minnie Jackson.
Q Is she a daughter of William and Mattie Jackson? A Yes sir.
Q How old is she? A In the neighborhood of 30, I guess.
Q She lived in the Cherokee Nation all her life? A Yes sir.
Q Have you lived in the Cherokee Nation all your life? A Yes sir.
Q You know her to be the wife of this applicant here? A Yes sir.
Q You were not present at their marriage? A No sir.
Q But you know them as husband and wife? A Yes sir.
Q And they are recognized as such? A Yes sir.

Commissioner Breckinridge-

The applicant applies for the enrollment of himself, his wife and four children. His wife is identified on the rolls of 1880 and 1896 as a native Cherokee. She has lived in the Cherokee Nation all her life, and her change of name arising from marriage is established by satisfactory personal testimony, in addition to that of the applicant, and to that afforded by the roll of 1896. She will be listed for enrollment as a Cherokee by blood. Of the four children named in the testimony, the oldest Julia, is duly identified on the roll of 1896, and this child will be listed for enrollment as a Cherokee by blood. When certificates of birth are filed for the three younger children, Gideon D. Jr., Walter J., and Mattie, these children also will be listed for enrollment as Cherokees by blood. The applicant, a white man, is identified with his wife on the roll of 1896. He states that his Cherokee license and certificate were destroyed by fire. He is desired to supply the Commission with an official copy of these documents, or of the record, showing that he was married in accordance with Cherokee law. He also states that he was married once before his present marriage, and that he and his former wife were divorced in 1893 at Waco, Texas. His present marriage he states occurred in June, 1894. He is desired to supply the Commission with an official copy of the decree of divorce establishing that fact as a fact prior to the present marriage. The applicant's present wife is shown never to have been married except to him. He will now be listed for enrollment as a Cherokee by intermarriage, but upon a doubtful card to await official evidence of his having been married in accordance with Cherokee law, and a copy of the decree of divorce as stated, from his first wife.

3- S.D.S.

E.C.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. C. Rothenberger

Subscribed and sworn to before me this 18th day of [illegible], 1901.

[illegible]

Commissioner.

FILED

OCT 3 1962

ATTN: CLERK

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, September 29th, 1902.

In the matter of the application of Gideon D. Sleeper for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-1107

Appearances:

Applicant appears in person.
Cherokee Nation by J. C. Starr.

GIDEON D. SLEEPER, being duly sworn, testified as follows:--
Examination by the Commission.

Q. What is your name? A. Gideon D. Sleeper.
Q. What is your age at this time? A. 44 in October.
Q. What is your post office? A. Wagner.
Q. You claim as an intermarried citizen? A. I am.
Q. Are you the same Gideon D. Sleeper who applied to this Commission on February 16th, 1901, for enrollment as a citizen by intermarriage?
A. I am.
Q. What is your wife's name. A. Minnie Jackson Sleeper.
Q. When were you married to her? A. In 1893.
Q. Is she a citizn by blood? A. Yes, sir.
Q. Were you married under a Cherokee license? A. Yes, sir.
Q. You have already filed that with the Commission, have you?
A. Yes, sir.
Q. Were you ever married prior to your marriage to this woman?
A. Yes, sir.
Q. How many times? A. Once.
Q. Is that wife living or dead? A. Living.
Q. Were you divorced? A. Yes, sir.
Q. Have you filed a copy of the decree of divorce with the Commission? A. Yes, sir.
Q. Was your present wife ever married prior to her marriage to you?
A. No, sir.
Q. You are her first husband? A. Yes, sir.
Q. Is she living now? A. Yes, sir.
Q. Have you and she lived together continuously from the time of your marriage to the present time? A. Yes, sir.
Q. Living together as husband and wife on the first day of September, 1902. A. Yes, sir.
Q. Never been separated? A. No, sir.
Q. You never married any other woman since you married this woman? A. No, sir.
Q. How long have you lived in the Cherokee Nation? A. Since 1891.
Q. How long has your wife lived in the Cherokee Nation? A. Born here.
Q. Lived here all her life? A. Lived here all her life, yes.
Q. Never lived outside of the territory? A. No, sir.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O Carr

Subscribed and sworn to before me this 3rd day of October, 1902.

D C Jones

Notary Public.

Cherokee D-1197.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of GIDEON D. SLEEPER as a citizen by intermarriage of the Cherokee Nation.

--o: :O: :o--

D E C I S I O N:

The record in this case shows that on February 16,1900, Gideon D. Sleeper appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment, among others, of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on September 29, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that the said Gideon D. Sleeper was lawfully married to Minnie Jackson, a citizen by blood of the Cherokee Nation, on June 27, 1894, under authority of a Cherokee marriage license. It further appears that the said Gideon D. Sleeper had been previously married to one Maria Evans, from whom he was divorced on April 3, 1894.

The said Gideon D. Sleeper is identified on the 1896 Census Roll of the Cherokee Nation.

The evidence further shows that the said Gideon D.Sleeper has lived with his wife in the Cherokee Nation since his marriage to her, and that he was a resident of said Nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Gideon D. Sleeper should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898,(30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this NOV 12 1902

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON C. AYERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 1107.

Muskogee, Indian Territory, November 17, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 12, 1902, granting the application of Gideon D. Sleeper for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

C. R. Breckinridge.

Commissioner in Charge.

~~Acting Chairman.~~

Enclosure H. No. 3.

ROLLMENT AS

CHEROKEE CITIZENS

A Regular testimony Feby 16/01

B Witness application " "

C Certified copy of decree of divorce

D Marriage license & certificate certified copy

Kyesum Ec

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[illegible]
TO THE [illegible]

[illegible]
FILED
FEB [illegible] 1901

[illegible] CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 16, 1901.

In the matter of the application of Woods B. Rogers for enrollment as a Cherokee citizen; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Woods B. Rogers.
Q How old are you? A 64.
Q What is your postoffice? A Chaeotah.
Q In what district do you live? A I am living in the Creek Nation at present.
Q Do you claim citizenship in the Cherokee Nation? A Yes sir.
Q In what district do you claim citizenship? A I was married in Canadian District.
Q So you would consider yourself a citizen of Canadian? A I have not lived there.
Q You were married in Canadian District, but you are not very definite as to where your citizenship would be at this time? A No sir.
Q Who, is it you want to enroll, yourself and family? A Just myself.
Q Do you apply for enrollment as a Cherokee by blood? A No sir.
Q As a white man? A Yes sir.
Q Intermarried citizen? A Yes sir.
Q Have you your Cherokee license and certificate of marriage? A No sir, I suppose they were destroyed; I never got them.
Q You never got the license and certificate of marriage? A I never got the certificate. I got my regular license.
Q In what district did you get out a license? A In Canadian.
Q When were you married? A In '69.
Q To whom were you married? A Kate D. Drew.
Q Is she dead? A No sir, she's alive.
Q Is she a Cherokee by blood? A Yes sir.
Q How long did you and she live together? A We lived together, and are still living together.
Q Why don't you apply for her enrollment? A She enrolled in the Creek Nation.
Q You say she enrolled in the Creek Nation, and you expect to apply through her as a Cherokee? A Yes sir.
Q How long did you and your wife live in the Cherokee Nation after your marriage? A We lived right on the edge of the Cherokee Nation for about a year.
Q But not inside? A Part of the place was in the Cherokee Nation, and part in the Creek Nation.
Q Where was the house? A In the Creek Nation.
Q So you and your wife never lived in the Cherokee Nation after you married? A No sir.
Q You never had your house or actual residence inside of the Cherokee Nation since you were married in 1869? A No sir.
Q Have you lived all the time since your marriage in 1869 in this way in the Creek Nation? A Yes, in the Creek Nation.
Q Are you on any of the rolls of the Cherokee Nation? A I think my name is on the roll as an adopted citizen. The roll that was made for the Cherokee strip payment.
Q They didn't pay adopted citizens - you didn't get any Cherokee strip money, did you? A No sir.
Q You are not on the roll of 1880? A No sir.
Q And not on the census roll of 1896? A No sir.
Q And never drew any strip money? A No sir, my family drew strip money.

Q Do you say that your wife claims to be a Creek citizen at this time? A She is part Creek and part Cherokee.
Q Under which laws she claim? A She is allotted in the Creek Nation.
Q And has secured her land? A Yes sir.
Q Now, you are not upon any of the rolls of the Cherokee Nation, and you have no marriage license from the Cherokee Nation, nor a certificate of marriage, on what do you base your claim? A I have affidavits.
Q Have you ever been admitted to citizenship by the Cherokee Commission or Council? A They recognized my rights.
Q Have they ever given you a certificate of admission? A No sir.
Q Did you ever apply to the Dawes Commission for admission to citizenship? A Yes sir.
Q When in '96? A Yes sir, my application went in in 1896.
Q It does not appear from the search that has been made from the records of the Commission that any application was ever submitted by you to the Dawes Commission - did you ever hear from the application? A Yes sir.
Q What did the Commission do with your case? A Rejected it.
Q What did you do then? A I applied to the United States Court.
Q And what did the Court do? A They recognized my rights.
Q What evidence have you of that? A I tried to get it from here, but they said it was filed with the Commission here.
Q Who were your attorneys? A I had none.
Q You just filed your own case. A Yes sir, I made my affidavits before Judge Ross.

Upon further examination of the records of the Commission, it is found in Docket "N", page 316, case 4255, that W. B. Rogers applied for admission to Cherokee citizenship before the Dawes Commission; petition filed September 9, 1896, and the application was denied by the Commission; appeal was taken to the United States Court, and the decision of the Commission was reversed by the Court in Court Case No. 132, and the applicant was admitted.

Q How old is your wife now? A 34.

(The authenticated roll of 1896 examined, and the name of the applicant, nor any of his family, are found of record thereon).
(The census roll of 1896 examined, and the name of the applicant, nor any of his family, are found of record thereon).

Q Did your wife draw Cherokee strip money? A Yes sir.

By J. L. Baugh, representative of the Cherokee Nation-
Q Your wife went and applied before the Revising Committee at Tahlequah, did she not? A No sir, she did not.
Q Didn't she go up the same time that Mrs. Scott went up there? A No sir; the only she went to Tahlequah after she was enrolled was with Mrs. Sanders.

Upon examination of the pay roll of 1894, the applicant's wife appears on page 1136, No. 2674, as Katie D. Rogers, in Tahlequah district.

Examination continued by Mr. Baugh-
Q Where was your wife born at, in which Nation? A In the Cherokee Nation.
Q How long did she live in the Cherokee Nation before she moved to the Creek Nation? A She moved from the Cherokee Nation when she was quite young; she moved to Texas.
Q You know how long she lived in Texas? A No sir, I do not. She was about 21 years old when she came back from Texas. She came back after the war.

3- W.B.R.

Q You know whether or not she and her folks ever went back and were readmitted to citizenship in the Cherokee Nation? A They made application to Council and were recognized.
Q Did the Council admit them? A Admitted them, yes sir. I forget what year;it was during William P. Adair's life time.
Q You said awhile ago that your place was right on the line - did you continue to have any improvements in the Cherokee Nation after your marriage? A No sir.
Q Have you any now? A No sir.

Commissioner-
Q Have you any evidence of your,wife's readmission to citizenship after her return from Texas? A I think it is on the books or act of Council in the Cherokee Nation.
Q You have no copy of ~~readmission~~ the act of readmission? A No sir, I have a certificate too; I don't know whether it is on file with the takers that I made application to or not. I don't know whether it is or whether I have it at home. I got a certificate from the Clerk at Tahlequah there.

Commissioner Breckinridge-

The applicant is shown to have been admitted to citizenship by decision of the United States Court, Judge Springer, presiding, in case No. 132, on appeal from his application in 1896 to the Dawes Commission. He states that he and his wife were married in 1869, and have lived together ever since. He does not present a Cherokee license and certificate of marriage, and he is not found upon any roll of the Cherokee Nation, and neither he, or his wife, have lived in the Cherokee Nation since their marriage in 1869, but have lived continuously in the Creek Nation, nor has the applicant possessed any improvement in the Cherokee Nation since ~~1869~~ 1869. His wife is identified on the roll of 1894, but upon no other roll, and the applicant states that she has been enrolled as a Creek citizen with their children, and that she had been allotted land as a Creek. He further states that his wife moved to the State of Texas when she was very young, and returned to the Cherokee Nation (he now says Creek Nation) when she was 21 years of age. He claims that she was readmitted to Cherokee citizenship, and thinks that the certificate of her readmission is on file with his Court papers or at home. The applicant has not lived in the Cherokee Nation since his admission by the United States Court. For the further consideration of this case under the conditions stated, he will now be listed for enrollment as a Cherokee by intermarriage upon a doubtful card and the Cherokee representative protests against his enrollment under the conditions already given and because, as they allege that evidence before the United States Court was an unreliable character.

(Statement by applicant:- I want to say that I merchandised in Tahlequah in the Cherokee Nation about a year after the strip-payment.

E.U.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 18th day of February, 1901.

Commissioner.

@D1108

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 31 1902

ACTING CHAIRMAN

R

Cherokee D 1108

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 19,1902.

In the matter of the application of W.B.Rogers for the enrollment of himself as a Cherokee citizen.

Appearances:
N.A.Gibson, Muskogee, I.T., attorney for applicant;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 28th,1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commissionat its offices in Muskogee, Indian Territory on the 19th day of March,1902. Applicant this day appears by his attorney, N.A.Gibson.

BY MR. GIBSON: We close the case.

W.B.ROGERS, being first duly sworn and being examined on behalf of the Cherokee Nation testified as follows:
BY MR. HASTINGS:
Q What is your name? A Woods B. Rogers.
Q What is your age? A 6 5.
Q You are a white man? A Yes sir.
Q What is your wife's name? A Kate D. Rogers.
Q How long have you been living with her? A 33 years.
Q Where did she take her allotment? A In the Creek Nation.
Q In the Creek Nation? A Yes sir.
Q She is a Creek is she? A Yes sir.
BY MR. HASTINGS: Comes now the representatives of the Cherokee Nation and refer the Commission to the Will E. Linton case, versus the Cherokee Nation, same being Court No.253, as a decision which should govern in this case.

BY COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation present submit the case; same is deemed completed, and will be reported to the Commission for final decision based upon the evidence now of record.

The attorney for the applicant requests and will be granted 15 days in which to file a brief in this case, one copy with the Commission and one copy with the representative of the Cherokee Nation.

I,M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of W.B. Rogers for enrollment as a citizen of the Cherokee Nation.

Brief of Applicant.

The proof in this case shows that the applicant is an intermarried citizen of the Cherokee Nation, and that more than 30 years ago he was married to Lucy Drew who was a recognized citizen of the Cherokee Nation, and that he was married according to the laws of the Cherokee Nation.

The proof further shows that in 1896 he made application to this Commission for enrollment as a citizen of said Nation, which application being refused the applicant appealed therefrom to the United States Court in Indian Territory, Northern District sitting at Muskogee, and that upon a hearing of such cause the applicant was adjudged by said court to be a citizen of the Cherokee Nation and entitled to all the rights and privileges of such citizens.

We respectfully submit that under the law, this matter has been finally adjudicated, and is now finally fixed, and that this Commission must enroll the applicant as a citizen of the Cherokee Nation by adoption under the provisions of the said judgment of the United States Court which we have cited.

Respectfully submitted this 28 day of March, 1902.

W. A. Nelson
Attorney for applicant.

Service of a copy of the foregoing brief is accepted this _____ day of March, 1902.

_____
Attorney for Cherokee Nation.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes.

In the matter of the application of Woods B. Rogers for enrollment as a citizen of the Cherokee Nation by Intermarriage.

Cherokee D 1108.

Brief on part of the Cherokee Nation.

The testimony in this case shows that the applicant is a white man, that his wife Kate D. Rogers is part Cherokee and part Creek and that she has been enrolled as a citizen of the Creek Nation and elected to take her allotment in the Creek Nation and the Cherokee Nation contends that this case precisely similar to that decided by the United States Court in the case of Will E Linton et al appealed from the Dawes Commission in 1906 the same being Dawes Commission Number 5358 and court Number 253.

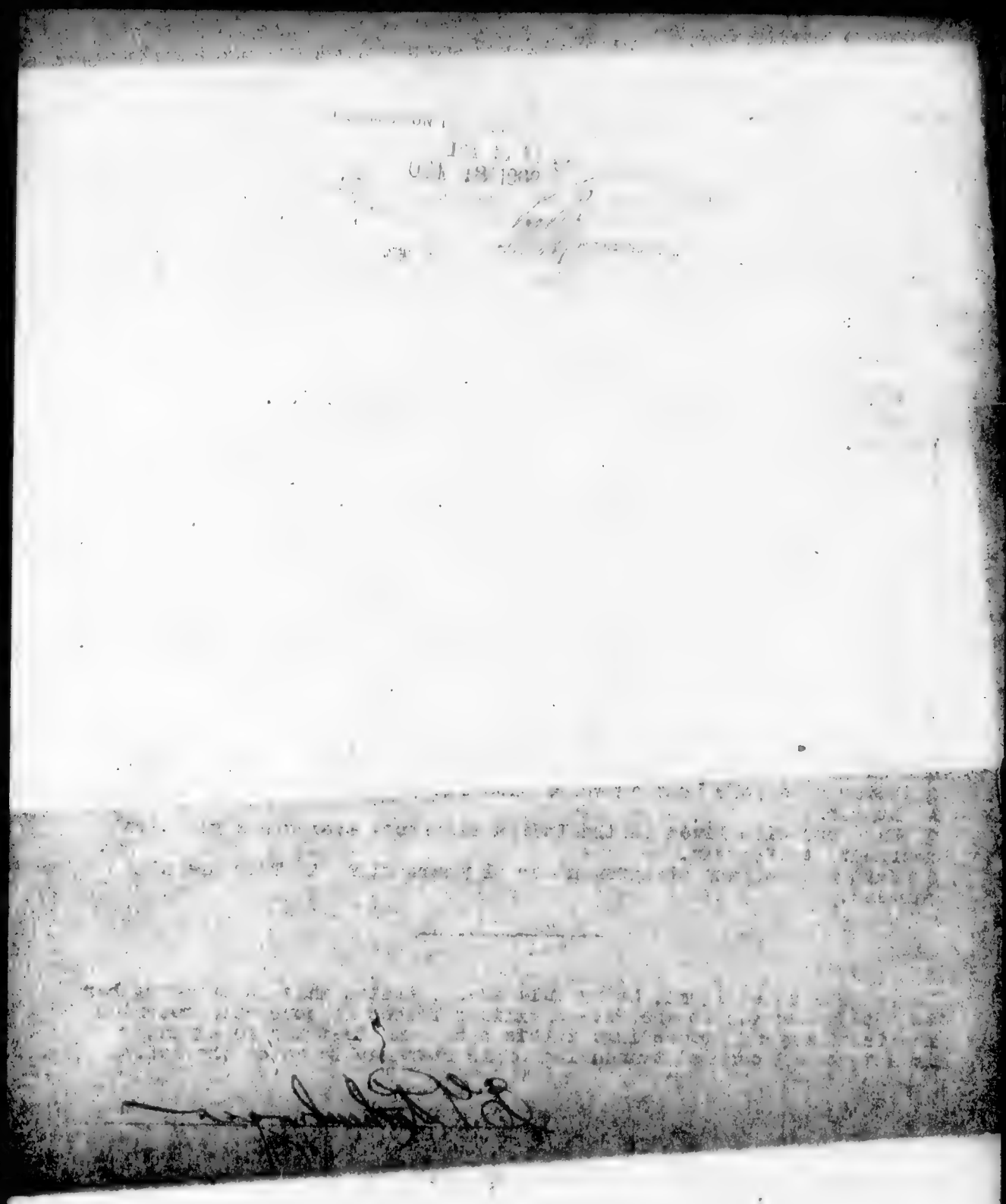
Will E Lintons wife Pauline E. Linton was part Creek and part Cherokee as is the wife of Woods B. Rogers. Will E Linton applied for enrollment as a citizen of the Cherokee Nation by intermarriage and for his wife and children as Cherokee citizens by blood and upon appeal the court decided:

" If Pauline E. Linton elects to be enrolled as a citizen of the Cherokee Nation, she, her husband and children, will be enrolled as citizens of the Cherokee Nation; if she elects to be enrolled as a citizen of the Creek Nation, she and her children will be enrolled as citizens of the Creek Nation, and her husband will not be enrolled as a citizen of the Creek or Cherokee Nation."

In the Linton case the wife elected to take her citizenship in the Creek Nation and her husband was not enrolled as a citizen of either nation although her husband had been ~~married~~ married to her in accordance with the laws of the Cherokee Nation and in as much as this is exactly the same case and in as much as the wife of Woods B Rogers has elected to enroll as a citizen of the Creek Nation and take her allotment there we contend that under this decision that the Commission not justified in enrolling the applicant as a citizen of the Cherokee Nation. In other words the court decided that the husband could not have rights of citizenship in a nation separate and apart from that of his wife.

J. C. S.

Respectfully submitted, Atty. Cher. Nation.



Cherokee D-1108.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., September 20, 1902.

In the matter of the application of Woods B. Rogers for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A Woods B. Rogers.
Q How old are you at this time? A 66.
Q What is your postoffice address? A Checotah, I.T.
Q You claim as an intermarried citizen of the Cherokee Nation? A Yes sir.
Q Are you the same Woods B. Rogers for whom application was made to this Commission on February 18, 1901? A Yes sir.
Q What is your wife's name? A Kate D. Rogers.
Q Is she a Cherokee citizen? A She is a Cherokee by blood.
Q When were you and she married? A On the fourth day of March, '69.
Q Is she living? A Yes sir.
Q Were you ever married prior to your marriage to her? A No sir.
Q Was she ever married before she and you were married? A No sir.
Q Have you and she lived together continuously as husband and wife since the date of your marriage up until the present time? A Yes sir.
Q And you are living together now as husband and wife? A Yes sir.
Q You never have been separated? A No sir.
Q You have never been married to any other woman? A No sir.
Q How long have you been living in the Cherokee Nation? A I am not living in the Cherokee Nation, I am living in the Creek Nation.
Q How long have you lived in the Indian Territory? A Since 1861.
Q Never made your home anywhere else except in the Indian Territory? A No sir.
Q Has your wife lived in the Indian Territory ever since you were married? A Yes sir.
Q Have you got any children under 21 years old? A They are all married.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings inthis case, and that the foregoing is a true and correct transcript ofhis stenographic notes thereof.

E. L. Rothenburger

Subscribed and sworn to before me this 16th day of October, 1902.

L. C. Jones
Notary Public.

Cherokee D-1108.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Woods B. Rogers for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

The record in this case shows that on February 16, 1901, Woods B. Rogers appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 15, and September 25, 1902.

The evidence shows that the said Woods B. Rogers filed his application with the Commission to the Five Civilized Tribes, under the act of June 10, 1896 (29 Stats., 321), to be admitted to citizenship in the Cherokee Nation; that his said application was denied by the Commission and that on appeal to the United States Court in Indian Territory for the Northern District, the decision of the Commission was reversed and the said Woods B. Rogers was admitted by the judgment of said Court, as a citizen by intermarriage of the Cherokee Nation.

The evidence further shows that Kate D. Rogers, the applicants wife, has made her election to be enrolled as a citizen of the Creek Nation and to take her allotment of lands in said Nation.

The evidence further shows that the said Woods B. Rogers has resided in the Indian Territory ever since his admission to citizenship.

It is the opinion of this Commission that, inasmuch as the applicant was admitted to citizenship in the Cherokee Nation by a judgment of the United States Court, his wife's election to be enrolled as a citizen of the Creek Nation is not considered to affect the applicant's rights as an intermarried Cherokee citizen, and that he should therefore be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED Tams Bixby.
Acting Chairman.

SIGNED T. B. Needles.
Commissioner.

SIGNED T. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,

this NOV 20 1902

D E P A R T M E N T O F T H E I N T E R I O R,

Commission to the Five Civilized Tribes,

Muskogee I. T. December 9th 1902.

In the matter of the application of Woods B. Rogers for enrollment as a citizen by intermarriage of the Cherokee Nation.

Cherokee D 1108.

Protest of the Cherokee Nation.

Comes now the Cherokee Nation and protests against the decision rendered by the Commission on November 20th 1902 in this case and asks that the same be forwarded to the Honorable Secretary of the Interior for Review. Attention is called to the brief filed by the Cherokee Nation in this case.

The record shows that this mans wife has elected to take her allotment in the Creek Nation and the case is exactly similar to the Will E. Linton case decided by the United States Court for the Northern District upon appeal from the Commission to the Five Civilized Tribes in 1896. It is true the applicant was admitted in 1896 as a citizen by intermarriage but it was on the theory that his wife was a Cherokee only. The Curtis bill provides that those of part Cherokee and part Creek blood must elect to take in one or the other nation but can not take in both. Awhile prior to 1896 they were in the habit of being carried upon both rolls where payments were made in either nation. We contend that since his wife has elected to take in the Creek Nation and renounces her Cherokee Citizenship that in as much as the applicant claims through his wife that under the decision of the United States Court in the Will E Linton case he is not entitled to be enrolled as a citizen of the Cherokee Nation by intermarriage.

Respectfully submitted,

W W Hastings JCS

Attorney for the Cherokee Nation.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1108.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 26, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Terri tory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting the application of Woods B. Rogers for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. H-186.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1108.

Muskogee, Indian Territory, December 13, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 20, 1902, granting the application of Woods B. Rogers for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, a copy of which decision was furnished you on November 26, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Cherokee
D 1108

Muskogee, Indian Territory, December 8, 906

A. H. Livingston,

Checotah, Indian Territory.

Dear Sir:

In reply to your letter of December 1, in reference to the right of Woods B. Rogers to enrollment as a citizen of the Cherokee Nation, under the recent decision of the United States Supreme Court in the case involving the right of intermarried white persons to be enrolled as citizens of the Cherokee Nation, you are advised that decisions will be rendered by this office in the cases of intermarried white persons at the earliest practicable date.

Respectfully,

L M B

Acting Commissioner

LAND

113106-1906
105039-1906

January 15, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is acknowledged of Departmental letter of December 27, 1906, enclosing a letter from the Commissioner to the Five Civilized Tribes, dated December 14, 1906, in which reference is made to Departmental letter of November 30, 1906, addressed to the Commissioner, authorizing the enrollment of Woods B. Rogers as a citizen by intermarriage of the Cherokee Nation, "should no further objection appear". The Commissioner's letter was addressed directly to the Department and was not transmitted through this office.

Therein he says that the applicant, Woods B. Rogers, bases his claim for admission to citizenship in the Cherokee Nation on his marriage to Kate D. Rogers, who, he alleges, was a Cherokee by blood, but who elected to be enrolled, and has received her allotment of land as a citizen of the Creek Nation. The applicant claims to have been married to his wife in the year 1869, but has failed to make proof to the Commissioner as to his compliance with the Cherokee law in regard to his marriage, or that he was legally married to her.

Referring to the decision of the Supreme Court of the United States in the case of Daniel Red Bird, et al., vs. the United States, the Commissioner expresses the opinion that before the applicant should be enrolled as a citizen by intermarriage of theCherokee Nation, he should be required to establish that his wife at the time of his marriage to her was a recognized citizen of the Nation and that he was married to her according to Cherokee law, and suggests that before his name be placed on a schedule of citizens of the Nation and forwarded for Departmental approval, that the applicant be summoned before the Commissioner and required to establish his right, as above. The recommendation of this Office is requested in the matter.

It appears from the evidence in this case that Woods B. Rogers filed his application with the Commission under the Act of June 10, 1896 (29 Stat., L. 321), to be admitted to citizenship in the Cherokee Nation; that his application was denied by the Commisson, and that he appealed to the United States Court for the Northern District of Indian Territory. The decision of the Commission was reversed and Woods B. Rogers was admitted as a citizen by intermarriage of the Cherokee Nation by the Court.

The wife of the applicant, Kate D. Rogers, being entitled to enrollment in both the Creek and Cherokee Nations, has selected to be enrolled as a citizen of the former.

The Office, in letter of February 14, 1903, expressed the

opinion that the applicant, having been declared by the Court to be entitled to enrollment in the Cherokee Nation, as a citizen by intermarriage, his right was not affected by his wife's election to be enrolled in the Creek Nation.

This view was sustained by the Department in letter of November 30, 1906 (I.T.D. 1552-1903), in the course of which it is remarked that there is some question whether the applicant was married in accordance with Cherokee laws.

The applicant testifies that he procured a regular license, although he did not get a certificate of marriage; that he supposed the license and certificate of marriage were destroyed. He and his wife were married in 1869, and have lived in the Indian Territory since that time.

In Departmental letter of December 27, 1906, (I.T.D. 25368-1906) it is said:

> Presumably the United States Court which "admitted" Rogers to citizenship . . . . . in accordance with the . . . . . Act of June 10, 1896, (29 Stats. L., 321) considered the question whether the applicant was married in accordance with such laws.

In view of the fact that the applicant's marriage occurred in 1869, and the probabilities of the records being destroyed as he testifies, being therefore very great; that he and Kate D. Rogers have lived in the Territory as man and wife continuously since their marriage; and in view of the serious doubt as to the authority of the Commissioner to further inquire into the applicants rights which have been established by a court having jurisdiction and whose decisions are made final by the law conferring that jurisdiction, it is recommended that the applicants

name be enrolled as a Cherokee intermarried citizen, in accordance with Departmental letter of November 20, 1906, above referred to.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

A. J. W.-EL

J.P.
S.P.

COPY

DEPARTMENT OF THE INTERIOR,

D.C. 9328-1907. WASHINGTON.

I.T.D.1042-1907.

February 11, 1907.

L.M.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Referring to your letter of December 14, 1906, relative to the application for the enrollment of Woods B. Rogers as a citizen by intermarriage in the Cherokee Nation, you are directed to enroll the applicant in accordance with decision of the Department of November 30, 1906, and the recommendation of the Indian Office of January 15, 1907, submitting your report of December 14, 1906.

A copy of Indian Office letter is enclosed.

All the papers in the matter have been sent to the Indian Office for its files.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 8 to Ind. Of.

REFER IN REPLY TO THE FOLLOWING:

Cherokee D 1108

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated December 14, 1907, granting the application for the enrollment of Woods B. Rogers as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 11, 1907.

For your information there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

Commissioner.

Enc I-63
RPI

MATTER OF THE APPLICATION

Nancy B Rogers

FOR ENROLLMENT AS

CHEROKEE INTERMARRIED

1. ~~Application~~ Original testimony taken by Ketcher
2. Memorandum of application " "
3. Notice of final consideration, 3/19/02

Cher D 1109

Cher D 1109

FILED
FEB 19 1901

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 16th, 1901.

In the matter of the application of William Arthur Maddin for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Maddin being sworn and examined by Commissioner Brockinridge, testified as follows:

Q Give me your full name? A William Arthur Maddin.
Q How old are you, Mr. Maddin? A I was born in '51.
Q About 49 years old?
Q What is your post office? A Muskogee.
Q Do you live in the Cherokee Nation? A No, sir; I got my place in the Cherokee Nation, but I live here in Town.
Q In what district is your ~~xxxx~~ place? A Canadian.
Q Who is it you want to have enrolled, just yourself or have your family? A Myself and family.
Q Have you a wife? A Yes, sir
Q How many children have you? A Three.
Q You want them to enroll yourself, your wife and three children?
A Yes, sir.
Q Are you a Cherokee by blood? A No, sir, I am a white man.
Q Is your wife a Cherokee by blood? A Yes, sir.
Q Have you a marriage license and certificate? A Yes, sir.

Com'r Brockinridge:--The applicant presents a ~~certifiedxx~~ copy of the records of Canadian district showing that he was married by the Rev. W. L. Butler in accordance with Cherokee law, to Letitia Bertholf in accordance with said license. This is filed herewith.

Q Were you ever married except to your present wife? A Yes, sir.
Q How many times were you married before you married t his wi fe?
A Just once.
Q To whom were you married the first time? A Roe Ellen Roney.
Q Is she dead or alive? A She is alive.
Q Is she a Cherokee or white woman? A White woman.
Q When were you and your first wife married? A I don't exactly remember the date, back in '71 I think.
Q How long did you live together? A Until 1880.
Q And then you and she separated A Y s, sir.
Q Was there a divorce between you? A Yes, sir.
Q Have you a copy of the decree of divorce? A I have, but I didn't bring it with me.
Q Where was the divorce procured? A Here in Muskogee.
Q When were you divorced? A In '92 I believe.
Q Not until 1892? A No, sir.
Q Do you remember what time in 1892 you were divorced? A No, sir.
Q Were you divorced from your first wife before you married your p resent wife? A Yes, sir.
Q Your present wife's name then is Letitia (A.) Maddin?
A Yes, sir.
Q How old is your present wife? A Her age is on this paper here; she put it down.
Q About 36 the last of this month? (No response.)
Q Was she ever married except to you? A No, sir.
Q Where did you marry her? A Here in Muskogee.
Q How long has she lived now continuously in Muskogee? A Well, I don't know how long she lived before we married, she has been living here ever since.
Q Was she living here at the time you married her? A Yes, sir.
Q How long had you known your wife at the time you married her?
A About three years; she was not here all that time, she used to lived down on Coodys Creek.

Q Give me the name of her father? A Marcus.
Q Is he dead? A Yes, sir.
Q Give me the name of her mother? A Alecta.
Q Is she dead? A No, sir, she is living.
Q Was your wife born in the Cherokee Nation? A I could not tell you sir.
Q You don't know how long she lived in the Cherokee Nation? A No, sir.
Q You became acquainted with her here in Muskogee, in the Creek Nation? A Yes, sir.
Q And as far as you know she has lived in the Creek Nation? A No she used to live down on Goodys Creek, in the Cherokee Nation.
Q But you don't know when and how long? A A year or two before I married her.
Q Did she ever live outside of the Cherokee Nation except here at Muskogee? A No, sir; not that I know of.
Q Give me the names now, please, of these three children? A They are there on that paper. (Hands paper TO COURT.)
Q Arthus W. is the oldest? A Yes, sir.
Q This child was six years old last September, was he?
A Yes, sir.
Q Marcus M., this is the next child? A Yes, sir.
Q He will be four years next March? A (No response.)
Q The next child is Otto Lawrence? A Yes, sir; that one is not on the roll.
Q One year old last September? A Yes, sir.

Tribal Rolls of citizens of the Cherokee Nation examined and applicants' names found thereon as follows:
1880 Authenticated Roll; page 2, #42 Lititia Bertholf, Canadian district.
1896 Census Roll; page 93, #1454, Letitia Madden, Canadian.
1896 Census Roll; page 199, William Madden, Canadian District.
1896 Census Roll; page 1466, Arthur W. Madden, Canadian."

Q Now, Mr. Maddin, do you claim your citizenship exclusively in the Cherokee Nation? A Yes, sir.
Q Do you vote in the Creek Nation A No, sir, except in city Elections.
Q Do you vote in the Cherokee Nation? A Yes, sir.
Q Where do you vote? A Canadian district, at Brushy Mountain.
Q Are you permanently located here in Muskogee, in business?
A Yes, sir.
Q What kind of business are you engaged in? A Hardware business.
Q Where were these children born, Mr. Maddin? A Born here in Muskogee.
Q And they have lived with you and your wife here all their lives?
A Yes, sir.
Q You have never resided in the Cherokee Nation at all since your marriage? A Not to make it a home; but I have got a place there.
Q But your housekeeping and your home have all been here? A Yes, sir.
Q And you have been conducting your mercantile business here all the time A Not strickly in that business all the time; I have been contracting some.
Q Were is your place in the Cherokee Nation? A It is about three miles and a half east of here, Canadian district.
Q When did you acquire that place? A '93 I believe.
Q What sized place have you? A Altogether I guess there is nearly three hundred acres.

What do you produce on that place A Corn and stock.
Q Do you rent it or cultivate it yourself? A I hire a man to cultivate it, hire a man by the month. I did rent it for a while.

Com'r Breckinridge:--The applicant applies for the enrollment of himself, his wife and three children: His wife is identified on the rolls of 1880 and 1896 as a native Cherokee and her change of name by marriage is established by the certificate and license filed herewith. It appears from the testimony that the applicant's wife lived in Muskogee for some three years prior to their marriage in 1892. They were married in Muskogee in the Creek Nation and have ever since made their home there, though the applicant states that he has a farm in the Cherokee Nation which he acquired in 1893 and continues to own and operated. He states that he has maintained his political connection with the Cherokee Nation by voting there and he has never voted in the Creek Nation except in the Muskogee Municipal Elections. He is engaged in the hardware business at Muskogee. In order to further consider the matter of domicile as affecting the rights of the applicant's wife under the conditions stated, she will be listed for enrollment as a Cherokee by blood, but upon a doubtful card and the final decision of the Commission will be made known to him at his post office.

He is shown to have married his wife in accordance with Cherokee law as established by the official evidence filed herewith, in 1892. He states that his wife was never married previous and that they have lived together ever since their marriage. He is identified with her on the roll of 1896. He states that he was married once prior to the present marriage, but was divorced from his first wife before he married his present wife, but he does not produce a copy of the decree of divorce at this time. For the further consideration of the applicant's rights under the conditions stated and to await a copy of the decree of divorce from his first wife, he will be listed for enrollment as a Cherokee by intermarriage, but upon a doubtful card.

Of the three children named in the testimony the first Arthur ., is duly identified with his parents on the roll of 1896. For the reasons stated he will be listed for enrollment as a Cherokee by blood on a doubtful card. When the Commission is supplied with certificate of the birth of the two younger children, Marc s S. and Otis L. Waddin, they also will be listed for enrollment as Cherokee by blood on the card with their father and mother.

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J. D. Isaacs, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 18th day of February, 1901.

Commissioner.

INTERIOR
COMMISSIONER OF INDIAN AFFAIRS
RECEIVED
MAR 25 1902

D. 1109.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 19, 1902.

In the matter of the application of William A. Maddin for the enrollment of himself, wife and children as citizens of the Cherokee Nation.

Applicant represented by Watkins & Rampendah.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter February 28, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902. Receipt has been acknowledged of the Commission's letter. The applicant this day, to wit the 19th day of March, 1902, appears by his attorneys, Watkins & Rampendah.

COMMISSION: Is there any statement you desire to make relative to the case? A No, sir.
Q Do you submit the case to the Commission for final consideration in behalf of the applicant? A I wish to submit a decree from the United States Court, divorce decree.

There is offered in evidence by the attorneys for the applicant a certified copy of a decree of divorce between William A. Maddin and Rose Maddin, bearing date of June 23, 1891. The same is filed and made a part of the record in the case.

The attorneys for the applicant and the representative of the Cherokee Nation present submit the case; the same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

I, Arthur C. Croninger, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Arthur C. Croninger

COMMISSION TO
RECEIVED
OCT 4 1902

Cherokee D-1109.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., September 24, 1902.

In the matter of the application of William A. Maddin for the enrollment of himself as an intermarried citizen, and for the enrollment of his wife, Letitia A., and children, Arthur B., Marcus E., and Otto L. Maddin, as citizens by blood of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A William A. Maddin.
Q What is your postoffice address? A Muskogee.
Q What is your age at this time? A Fifty-one.
Q You claim as an intermarried citizen, do you? A Yes sir.
Q Are you the same William A. Maddin that applied to the Commission on February 16, 1901, for the enrollment of yourself, wife and children as citizens of the Cherokee Nation? A Yes sir.
Q When were you married to your wife? A October 20, 1892.
Q Is she a citizen by blood of the Cherokee Nation? A Yes sir.
Q Have you and her lived together as husband and wife since your marriage? A Yes sir.
Q Never married any other woman? A No sir.
Q Haven't been separated? A No sir.
Q Living together as man and wife on the first day of September, 1902? A Yes sir.
Q How long have you lived in the Cherokee Nation since your marriage?
A I lived in the Creek Nation most of the time; I have a place there, but lived most of the time in Muskogee.
Q But always since your marriage lived in the Indian Territory? A Yes sir.
Q Still living in the Indian Territory? A Yes sir.
Q Is your wife and these three children living now and all at home with you are they? A Yes sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. G. Rothenberger

Subscribed and sworn to before me this 2nd day of October, 1902.

B. O. Jones
Notary Public.

Cherokee D-1109.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of WILLIAM ARTHUR MADDIN as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of LETITIA A., ARTHUR B., MARCUS E. and OTTO LAWRENCE MADDIN as citizens by blood of the Cherokee Nation.

--o: :O: :o--

D E C I S I O N.

The record in this case shows that on February 16,1901, William Arthur Maddin appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation,and for the enrollment of his wife, Letitia A., and his three minor children, Arthur B., Marcus E. and Otto Lawrence Maddin, as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 19, 1902, and September 24, 1902.

The evidence shows that the said Letitia A. Maddin is a Cherokee by blood; that she removed to the Creek Nation about the year 1888 or 1889; and that previous to that time she had lived in the Cherokee Nation. She has resided in the Creek Nation since her removal thereto. The said Letitia A. Maddin is identified on the 1880 authenticated tribal roll of the Cherokee Nation under the name of Letitia Bertholf. She is also identified on the 1896 census roll of the Cherokee Nation.

The evidence further shows that the said William Arthur Maddin was lawfully married on October 10, 1892, to his wife, Letitia A.,under authority of a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation. It further appears that he had been previously married to Roe E. Roney, from whom he was divorced on May 12, 1891. The said William Arthur Maddin is identified on the 1896 census roll of the Cherokee Nation. The child, Arthur B., is identified on the Cherokee census roll of 1896, and the two minor children, Marcus E. and Otto Lawrence,are identified by birth affidavits on file with this Commission.

The evidence further shows that the said William Arthur Maddin has lived with his wife in the Creek Nation since his marriage to her, and that the minor children herein applied for have lived in the Creek Nation all their lives. The evidence further shows that all those for whom application is here made were residents of the Creek Nation at the date of the application herein.

It is, therefore, the opinion of this Commission that William Arthur Maddin should be enrolled as a citizen by intermarriage of the Cherokee Nation, and that Letitia A. Maddin, Arthur B. Maddin, Marcus E. Maddin and Otto Lawrence Maddin should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats.,495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby
Acting Chairman.

(SIGN) T. B. Needles
Commissioner.

(SIGNED) C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,
this NOV 12 1902

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON J. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 1109.

Muskogee, Indian Territory, November 17, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 12, 1902, granting the application of William A. Maddin for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Letitia A. Maddin, and his three minor children, Arthur B., Marcus E. and Otto L. Maddin, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

C. R. Breckinridge

Commissioner in Charge
Acting Chairman.

Enclosure H. No. 4.

IN MATTER OF THE APPLICATION OF

Frank A. Maddox et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS

Original testimony

Memo of application, Dec'by. 16, 1901

Certified copy of marriage record

Birth certificate of Marcus C.

" " " " Otto L.

Notice of final consideration, 3/19/02

Certified copy of decree of divorce

Order closing testimony 3/19/02.

Cher D 1110

Cher D 1110

COM... TO THE FIVE C... TRIBES

FILED

FEB ... 50

DOUBTFUL., as to Child, Rachel:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 16th, 1901.

In the matter of the application of Worcester Wiley for the enrollment of himself and child as citizens of the Cherokee Nation; said Wiley being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Worcester Wiley.
Q Have you any middle name? A No, sir
Q How old are you? A I am about 42 years old.
Q What is your post office? A Caney, Kansas.
Q Do you live in the Cherokee Nation? A Yes, sir.
Q In what district do you live? A Coowescoowee.
Q Who is it you want to enroll, yourself and family? A Myself and little girl.
Q Are you a Cherokee by blood? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A All my life; born and raised here, in the Cherokee Nation.
Q Give me the name of your father? A His name was Autesse in Cherokee, they called him George Wiley in english.
Q Is he dead? A Yes, sir.
Q Give me the name of your mother? A Jemimy.
Q Is she dead? A Yes, sir.
Q Give me the name of your child? A Rachel.
Q How old is the child? A Two years old.
Q Give me the name of the mother of this child? A Clary.
Q Is she dead? A No, sir.
Q Is she a Cherokee or white woman? A No, sir, she is a white woman.
Q When were you married to her? A I never was lawfully married to her; just old Cherokee customs.
Q You only had what is known as a Cherokee marriage? A Yes, sir.
Q Were you ever married to any other woman before you married this woman? A No, sir
Q When did you and this woman begin to live together as husband and wife? A About five years ago.
Q Had you never lived with any other woman before that time?
A No, sir.
Q Did you and this woman hold each other out to the community as husband and wife? A Yes, sir.
Q How long did you and she live together? A About two years.
Q You married five years ago and the child is two years old and you lived together two years, the child was born after you and this woman quit living together? A Yes, sir.
Q How long after you and she quit living together was it;- you were living together after the child was born? A Yes, sir, we lived together two years.
Q At all events you know that you lived together after the child was born? A Yes, sir.
Q And it has been two years or more? A Yes, sir.
Q Has there ever been any divorce between you and this woman?
A No, sir.
Q How old is this woman? A She is about 32 years old now.
Q What was her name when you married her? A Rogers.
Q Have you anybody here who knows that you and this woman lived together as husband and wife? A No, sir.
Q Was this woman ever married before she lived with you?
A No, sir.

Q Where did you and your wife live during our married life?
A Lived part of the time in the Osage country and part of the time in the Cherokee Nation.
Q What were you doing out in the Osage Nation? A I had some cattle there.
Q Did you spend much of your life in the Osage Nation?
A About six years.
Q What six years? A Well it has been a ---
Q When did you come back from the Osage Country? A That's what I am trying to figure out; four years this Spring I think.
Q And you lived there for six years before that? A About six years; it might possibly have been longer than that.
Q Did you make your home out there? A In the Osage?
Q Yes? A Yes, sir.
Q Did you vote out there? A No, sir.
Q Just resided out there? A Yes, sir; it is right across the line from the Cherokee, just went back and forward; part of the time I staid there and part of the time in the Cherokee.
Q Did you keep house during that time on the Cherokee side?
A Yes, sir.
Q How long did you keep house there on the Osage side? A I don't know exactly how long, about a year or year and a half and part of the time I boarded.
Q Did you make your home in the Osage country there boarding and keeping house for six years or more? A I was there most of the time; part of the time I was on my home place.
Q When you say you were on the Cherokee side, do you claim you were living or come over to look after things? A Look after things.
Q I would like to get a little more definite information from you and find out where you were living? A I have been living in the Cherokee Nation part of the time.
Q You were born in the Cherokee Nation were you? A Yes, sir.
Q How long did you live in the CherokeeNation before you went out?
A I guess I was about 30 years old before I went out.
Q Then where did you go? A I went over in the Osage country.
Q That was some 12 years ago? A Yes, sir.
Q Did you have a farm there? A Not in the Osage country.
Q Did you have cattle there? A Yes, sir.
Q You went there for the first time about 12 years ago? A Yes, sir.
Q During that time did you continue to vote in the Cherokee Nation?
A Yes, sir.
Q Did you have cattle also back in the Cherokee? A I had a few milk cows.
Q That was the only interest you had back there? A I had cattle, horses, hogs, farm.
Q Well, now when you went to the Osage country 12 years ago, how long did you make your home there before you moved your home back to the Cherokee Nation? A About two years.
Q Then you came back to the Cherokee Nation? A Come back to the Cherokee Nation.
Q And then how long did you make your home in the Cherokee Nation before you went back to the Osage? A I staid there, holding some cattle there and then in the Spring I went back to the Osage.
Q And how long did you stay there before you again returned to the Cherokee Nation? A I staid there and backwards and forwards home about two years.
Q Did you live during that time on one side a part of the time and part of the time on the other side? A Yes, sir.
Q So you really lived back and forth; this what you mean to say is it? A Yes, sir.

Q Well now, you and this woman lived together several years, did she live with you altogether in t he Osage? A Yes, sir. She staid in the Osage all the time.
Q When you were back to the Cherokee Nation you never brought her?
A No, sir.
Q What was your post office address in the Osage Nation?
A Pawhuska.
Q What is this woman living now? A She is living at Dewey.
Q What is her present name? A Clary.
Q She is still going by your name? A Yes, sir.
Q Clary Wiley? A Yes, sir.

INTERROGATORIES BY J. L. BAUGH, Cherokee Representative:

Q Mr. Wiley, was this woman ever married before she lived with you as your wife? A No, sir.
Q I want to ask you if she did not have a husband named Chouteau in the Osage? A No, sir.
Q You know that to be a fact? A Yes, sir.
Q She did not live with a man by the name of Chouteau in the Osage Nation and afterwards left him and went to Chetopa Springs, Kansas, and afterwards taken up and lived with you, is not that a fact? A No sir.

BY COMMISSIONER MCKENNRIDGE:

Q Where is this child living now? A I have got it at home.

Tribal rolls of the Cherokee Nation examined and applicant's name found thereon as follows:
1880 Authenticated roll; page 333, #2626, Worcester Wiley, Delaware district.
1896 Census Roll; page 284, #6223, Wooster Wiley, Goowoosoowee district.

(On the Census roll of 1896 a child named Aaron Wiley is found enrolled with the applicant.)
Q Is that your child, Aaron? A Yes, sir, said to be.
Q Is it dead? A Yes, sir.
Q What is the name of the mother of that child? A Frances Brown.
Q Did you ever live with this woman, Frances Brown? A No, sir.
Q You and this woman Frances Brown never kept house together?
A No, sir.
Q And you and this woman, Clary, did as your wife? A Yes, sir.
Q Your purpose, was it, was to live always with this woman, Clary?
A Yes, sir; as long as we could agree.
Q Did you leave her or she leave you? A She left me.

By J. L. BAUGH:

Q You had this child enrolled at the time A Yes, sir.
Q You enrolled it as your child? A Yes, sir.
Q Stating that the child was living with you? A No, sir, she swore the child to me and I took the child.

BY COMMISSIONER MCKENNRIDGE:

Q Is the mother of this child, Aaron, a Cherokee or white woman?
A White woman.
Q If you were never married to that woman did not you know that this child was not tentitled to enrollment in 1896? A No, I did not; she swore it was mine.

Q It was the child of an unmarried white woman? (No response.)

(The name of Aaron Wiley is identified upon the Census Roll of citizens of the Cherokee Nation, page 284, [illegible]24, in Cooweescoowee district.)

Q Did you ever have any other child sworn to you A No, sir.
Q You never claimed any other child? A No, sir.

Comr Breckinridge:- The applicant applies for the enrollment of himself and one child: The applicant is identified on the rolls of 1880 and 1896 as a native Cherokee. He has lived in the Cherokee Nation substantially all his life, temporary absence such as he states in the Osage Nation not being of such duration or character as to invalidate his residence in the Cherokee Nation, and he will now be listed for enrollment as a Cherokee by blood.

The child for whom he applies, he states is a child of a white woman, Clary Rogers, with whom he assumed the relations of husband and wife without formal ceremony some five years ago. He states that they lived together until after the birth of this child when she left him; that she was never married before and that he was never married before, but there is identified on the roll of 1896 a child with the applicant, ten years of age, who is now said to be dead and which child he had had enrolled at that time. He states that the mother of this child was a white woman. It is clear that this child was not entitled to enrollment if it was the child of an unmarried white woman; therefore, independently of any formality of the marriage between the applicant and his wife, Clary, the mother of the child Rachel, now concerned, is doubtless, because of the enrollment of that child without regard to the character of the relations which existed between the applicant and the mother of the deceased child, Aaron. The applicant is desired to supply the Commission with a certificate of birth for the child, Rachel, for whom he applied for enrollment. The child will be listed for enrollment as a Cherokee by blood on a doubtful card for the further consideration of its rights and the final decision of the Commission will be made known to the applicant at his post office address.

---oOo---

I, [illegible], being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

[illegible]

Subscribed and sworn to before me this 28th day of February, 1901.

[illegible]

Commissioner.

90110

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 28 1902

Acting Chairman

Supl.-C.D.#1110.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 19, 1902.

SUPPLEMENTAL in the matter of the enrollment of RACHEL WILEY as a citizen of the Cherokee Nation:

The applicant's father, Worcester Wiley, was notified by registered letter February 28, 1902, that the application for the enrollment of his child, Rachel Wiley, would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902, and that on said date an opportunity would be given him to appear before the Commission either in person or by attorney and introduce any further testimony affecting said application. The applicant's father, Worcester Wiley, has this day, to-wit: the 19th day of March, 1902, been called and failing to respond either in person or by attorney, the same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

---oooOOOooo---

I, J. O. Rosson, do hereby certify as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

Cherokee D 1110
Cherokee 7298.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Rachel Wiley as a citizen by blood of the Cherokee Nation.

-:-

O R D E R .

The records of this Commission show that on February 16, 1901, at Muskogee, Indian Territory, application was made to this Commission for the enrollment of Rachel Wiley as a citizen by blood of the Cherokee Nation, and that said Rachel Wiley was duly listed for enrollment on Cherokee Doubtful card No. 1110.

The records of the Commission further show that the said Rachel Wiley is the child of one Worcester Wiley; that the said Worcester Wiley is a Cherokee by blood, duly identified on the Cherokee authenticated tribal roll of 1880, Cherokee census roll of 1896, was listed by this Commission for enrollment as a Cherokee by blood on Cherokee card No. 7298, and is included in a partial roll of Cherokees by blood approved by the Secretary of the Interior on December 23, 1902, opposite No. 17358; and that the said Rachel Wiley was born since 1896 and has continuously lived in the Cherokee Nation since birth.

It is, therefore, ordered that the enlistment for the enrollment of Rachel Wiley as a Cherokee by blood on Cherokee Doubtful card No. 1110, be cancelled, and that the said Rachel Wiley be listed for enrollment on Cherokee card No. 7298.

Commissioner

Dated at Muskogee, Indian Territory

this JAN 26 1905

IN THE MATTER OF THE APPLICATION OF

Jacob O'Riley

A. Original Petition Feby 16/01

B. Memo of application Feby 16/01

C. Notice of final consideration, 3/19/02

JAN 27

See Jacob O'Riley

Cher D 1111

Cher D 1111

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 27 1901

DOUBTFUL., as to Husband, Levi:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 16th, 1903.

In the matter of the application of Mary Ackley for the enrollment of herself, husband and children as citizens of the Cherokee Nation; said Ackley being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Mary Ackley.
Q How old are you? A I was born in 1868.
Q You are about 32? A I will be 32 this next month.
Q What is your post office? A We get our mail at Muskogee.
Q Do you live in the Cherokee Nation? A Yes, sir, I have been born and raised in the Cherokee Nation.
Q In what district do you live? A Canadian.
Q Who is it you want to enroll, just yourself? A No, sir, I have a family.
Q Have you a husband A Yes, sir, and four children.
Q Where is your husband? A He is in Town.
Q Are you a Cherokee by blood? A Yes, sir.
Q What is your husband, Cherokee by blood? A No, sir.
Q He is a white man is he? A Yes, sir.
Q How long have you lived in the Cherokee Nation, all your life? A Yes, sir.
Q Give me the name of your father? A John Patrick, he lives at Braggs.
Q Is he alive? A Yes, sir.
Q Give me the name of your mother, her given name? A She has been dead 32 years.
Q Give me the name of your husband? A Levi Ackley.
Q How old is he? A He was born in '62.
Q When were you and he married? A In '87.
Q Have you his marriage license and certificate? A Yes, sir.
Q Let me see them? A I did not bring them with me.
Q Were you ever married except to this husband A No, sir.
Q Was he ever married except to you? A No, sir.
Q Have you and he lived together ever since you were married? A Yes, sir
Q Is there anyone here who knows that you and he lived together as wife? A Yes, sir, Mrs. Miller.

AMERICA ADELINE MILLER, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name, please? A America Adeline Miller.
Q How old are you? A 32.
Q What is your post office? A Muskogee.
Q Do you live in the Cherokee Nation? A No, sir, I live in Muskogee.
Q Have you ever lived in the Cherokee Nation? A Yes, sir, I was raised in the Cherokee Nation and lived there until about four years ago.
Q Do you know this lade here, Mrs. Ackley? A Yes, sir.
Q What was her maiden name? A She was a Patrick, John Patrick's daughter.
Q What is the name of her husband? A Levi Ackley.
Q Was she ever married except to Levi Ackley? A No, sir.
Q Was he ever married except to her? A Not that I ever heard of; he was a young man.
Q Now, when were this lady and Mr. Ackley married? A Married in '86 or '87.
Q Were you present at their marriage? A No, sir.
Q But you have known them as husband and wife ever since that time have you? A Yes, sir.

Q And they have continued to live as husband and wife?
A Yes, sir.

MARY ACKLEY, the applicant, re-called, testified as follows.

Q Now, give me the names of these children and their ages?
A Oliver Fred Ackley.
Q How old is that child? A He was born in 1888.
Q About 12 years old? A No, he is 13 in this month.
Q Give me the name of the next child? A Madge Elizabeth.
Q How old is that child? A She was born in 1888.
Q She is about 12? A Yes, sir.
Q The next child A Luetta, she was born in '93.
Q She is seven years old? A Yes, sir.
Q Now the next child? A Edna Elmyra.
Q How old is that child? A She is four years old.
Q These children are all living now are they? A Yes, sir.

Tribal Rolls of citizens of the Cherokee Nation examined and applicants' names found thereon as follows:

1880 Authenticated Roll; page 566, #1452, Mary Patrick, Illinois district.
1890 Census Roll; page 456, #5, Mary Ackley, Illinois District.
1890 Census Roll; page 928, #1, Levi Ackley, " "
1896 Census Roll; page 628, #4, Oliver Ackley, " "
1896 Census Roll; page 628, #5, Madge Ackley, " "
1896 Census Roll; page 62 , #6, Letta Ackley, " "

Comr Breckinridge:--The applicant applies for the enrollment of herself, husband and four children: She is identified on the rolls of 1880 and 1896 as a native Cherokee. Her change of name by marriage is established by her own and other satisfactory personal testimony, as well as corroborated by the roll of 1896. She has lived in the Cherokee Nation all her life and she will be listed for enrollment as a Cherokee by blood. Of the four children named in the testimony the first three are duly identified on the roll of 1896. They are living and will be listed for enrollment as Cherokees by blood. When she files a certificate of birth for the youngest child, Edna E., this child also will be listed for enrollment as a Cherokee by blood.

Her husband is said to have married her in 1887 under a Cherokee license but the license and certificate are not filed at this time. It is stated that neither was previously married, and that they have lived together ever since their marriage. He is identified with his wife on the roll of 1896 as an adopted Cherokee, he being a white man. He will now be listd for enrollment as a Cherokee by intermarriage upon a doubtful card to await the filing of his Cherokee license and a proper certificate in accordance therewith.

---oooOOOooo---

J. O. Ronson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Ronson

Subscribed and sworn to before me this 20th day of February , 1901.

D. B. Needles

Commissioner.

Cher
Supp'l to D 1111

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 28, 1902.

In the matter of the application of LEVI ACKLEY, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation;

LEVI ACKLEY, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Levi Ackley.
Q How old are you ? A Forty one.
Q What is your post office address ? A Muskogee.
Q You are a white man ? A Yes sir.
Q You are claiming your right to be enrolled as a Cherokee citizen by intermarriage ? A Yes sir.
Q What is your wife's name ? A Mary.
Q Is she a Cherokee by blood ? A Yes sir.
Q How long has she been living in the Cherokee Nation ?
A All her life.
Q When were you and she married ? A I believe it was in 1887. About fifteen years ago.
Q Were you married to her under a Cherokee marriage license ?
A Yes sir; you have the license here some place.
Q Is Mary A., your first wife ? A Yes sir.
Q Have you and your wife Mary been living together ever since your marriage ? A Yes sir.
Q Are you living together now ? A Yes sir.
Q And has your home been in the Cherokee Nation ever since that time ? A Yes sir. For the past three or four years we have been living here in Muskogee.
Q Previous to that time you have lived in the Cherokee Nation ?
A Yes sir.
Q Have you ever had a home outside the Indian Territory since you were married ? A No sir.
Q Have you any children ? A Yes sir I have four.
Q Are they all living ? A Yes sir.

Examined by J. C. Starr:

Q When did you first move to Muskogee ? A 4 or 5 years ago.
Q Where were you in 1897 ? A We were down here at Braggs then, living right at Braggs Station. Our place is over there yet.
Q Where were you living in 1898 ? A I think we were living there then. We have only been away about four years, or maybe five. It may have been 1898 that we moved here.
Q You think you have been here for four or five years then ?
A Yes sir.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this November 29, 1902.

[illegible]
Notary Public.

Cherokee D-1111.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Levi Ackley as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on February 16, 1901, Mary Ackley appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment, among others, of her husband, Levi Ackley, as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 28, 1902. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that Levi Ackley was lawfully married, under authority of a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on January 20, 1887, to his said wife, Mary, a citizen by blood of the Cherokee Nation. The said Levi Ackley is identified on the 1896 census roll of the Cherokee Nation.

The evidence further shows that the said Levi Ackley has lived with his wife in the Cherokee Nation and Indian Territory, continuously since his marriage to her, up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Levi Ackley should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 2, 1900 (31 Stats., 250), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby
Acting Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breedlove
Commissioner.

Dated at Muskogee, Indian Territory,
this JAN 30 1903

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee B-1111

Muskogee, Indian Territory, January 31, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 30, 1903, granting the application of Mary Ashley for the enrollment of her husband, Levi Ashley, as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicants. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. M-3174

IN THE MATTER OF THE APPLICATION OF

Levi Ackley

FOR ENROLLMENT AS

CHEROKEE CITIZEN.

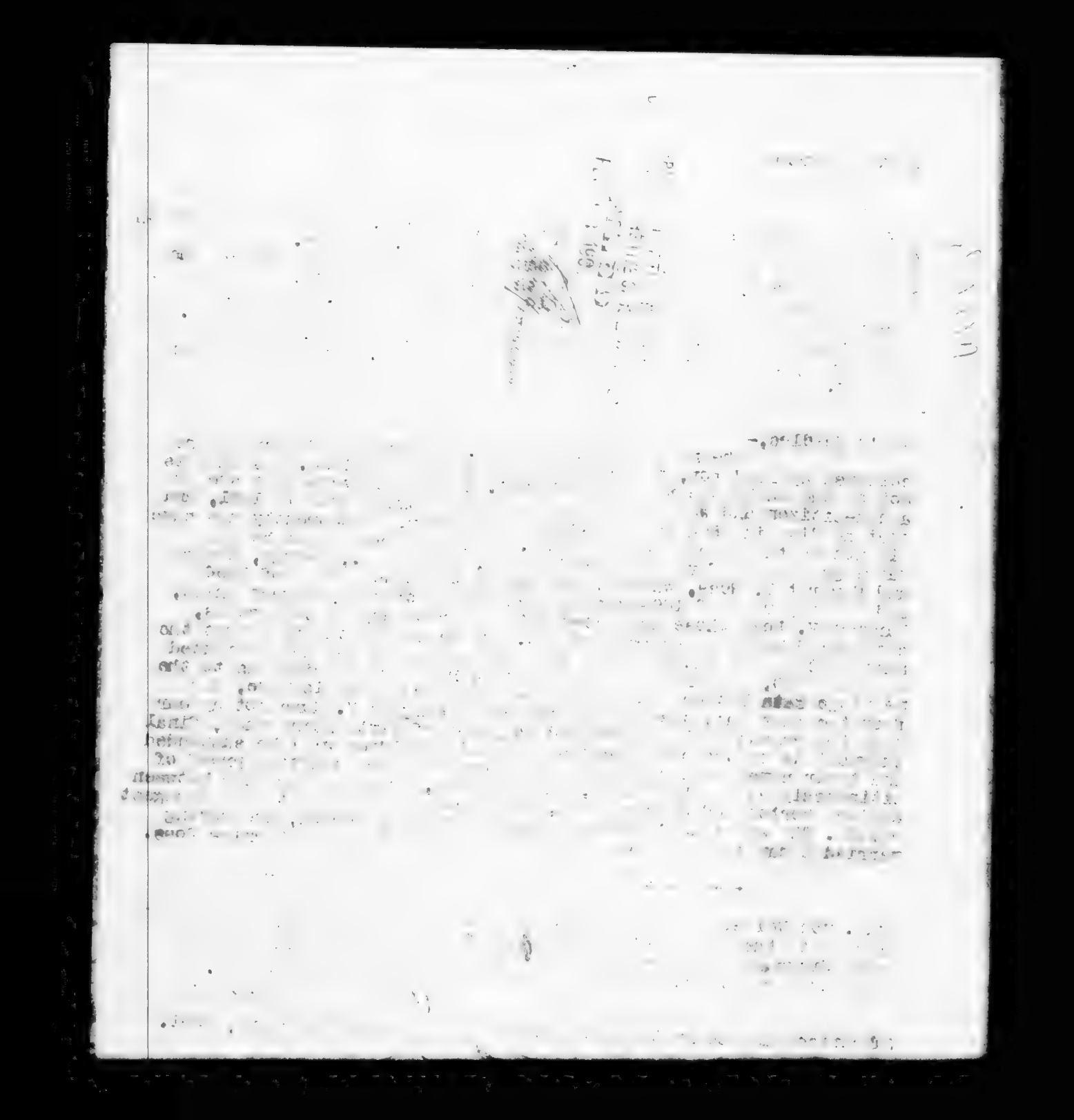
a Original testimony Feby 16/01

B Mem[illegible] application Feby 16/01

C Marriage license & certificate

Cher D 1112

Cher D 1112



Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. February, 18th 1901.

In the matter of the application of Malinda Morton for the enrollment of William Ross, Francis M. Ross, George Ross, Annie Ross and Margret V. Ross as Cherokee citizens. She being sworn before Commissioner T. B. Needles, testified as follows:-

Q What is your name?A. Malinda Morton.
Q What is your age? A. 41.
Q What is your post office? A. Webbers Falls.
Q What district do you live in? A. Canadian.
Q Are you a recognized citizen of the Cherokee Nation? A. No sir.
Q Are you married? A. Yes sir.
Q What is your husband's name? A. Theodore Morton.
Q For whom do you apply now? A, For five children by Mr. Ross.
Q Was he your first husband? A. Yes sir.
Q What was his first name? A. Charles.
Q Is he living? A. No sir, he was killed.
Q And since his death you have married again? A. Yes sir.
Q Was Charles Ross a Cherokee Indian by blood?A. Yes sir.
Q When were you married to him? A. In 1881.
Q Have you a certificate of your marriage? A. No sir, lost it.
Q What are the names of these children for whom you apply for enrollment? A. William Ross.
Q How old? A. 18.
Q Next child? A. Francis M.
Q How old? A. 15.
Q Next child? A. George.
Q How old? A. 9.
Q Next child? A. Annie.
Q How old? A. 8.
Q Next child? A. Margret V.
Q How old? A. 7.
Q Are these children living now? A. Yes sir.
Q You say you were married to Charles Ross in 1881? A. Yes sir.
Q When did he die? A. Been dead ever since November, 13th 1894.
Q Did you live with him continuously from the time you married him until he died? A. Yes sir.
Q Do you know his father's name? A. William Ross.
Q Is William Ross living? A. No sir.
Q Do you know his mother's name? A. Yes sir.
Q What is it? A. Annie Spears.
Q Do you know whether your husband's name is on the 1880 roll ? A. I don't know.
Q How much Indian blood did Charles Ross have? A. Cannot say how much.

Upon an examination of the Cherokee census roll of 1896, there is found on page 1234, #2789 the name of William Ross in Tahlequah district. On page 1234, #2790 thereof appears the name of Francis M. Ross in Tahlequah district. On page 1234, # 2791, thereof appears the name of Georgia Ross in Tahlequah district. On page 1234, #2792 thereof appears the name of Annie Ross in Tahlequah district.

Upon an examination of the 1894 Pay roll of the Cherokee Nation on page 1135, #2644 appears the name of Charles Ross in Tahlequah district; on page 1135, #2645 thereof appears the name of Willie Ross in Tahlequah district; on page 1135, # 2646 appears the name of Francis M. Ross in Tahlequah district. On page 1135, # 2648 appears the name of George Ross in Tahlequah district. On page 1135, # 2649 appears the name of Annie Ross in Tahlequah district.

Q You say Charles Ross died in November, 1894? A. Yes sir on the 13 th
Q These children are all alive at this time? A. Yes sir.
Q Do you know the reason why the name of Charles Ross is not on the roll of 1880? A. He was down with the measles at Vinita.
Q Did he live in the Cherokee Nation all the time? A. Yes sir.
Q And you say the name of his father was William Ross? A. Yes sir.
Q And the name of his mother was Anna Ross? A. Yes sir.
Q Do you know when his father and mother died? A. Both killed during the war.

Com'r Needles,-

The name of Charles Ross, the averred father of the children applied for, is found on the pay roll of 1894. His name is not on the authenticated roll of 1880. Applicant avers that she is a non-citizen and was married to the said Charles Ross in 1881, and that he died in 1894 in the month of November, consequently his name is not on the census roll of 1896. Applicant avers that be said marriage she had five children, William, Francis M., George, Annie and Margret V. Ross, whose names are on the census roll of 1896 and the pay roll of 1894 with the exception of the youngest child, Margret V. Ross whose name does not appear on any of said rolls, said child being seven years of age. By reason of the fact that the name of the said Charles Ross does not appear on the authenticated roll of 1880, and from the fact that no proof of marriage as to the marriage ~~xxxx~~ between the parents of these children is made, and from the fact that the name of the child Margret V. does not appear upon the census roll of 1896 and no proof of birth being made, final judgment as to the enrollment of the said children will be suspended and their names will be placed on a doubtful card awaiting proof of citizenship as to the father, Charles Ross, proof of marriage between Malinda Morton and Charles Ross, and proof of birth as to the youngest child . The applicant's present name is Malinda Morton, she having married a man named Morton since the death of the said Charles Ross.

+ + + +

C.R. 1112

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 28 1902

ACTING CHAIRMAN

Supl.-C.D.#1112.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 19, 1902.

SUPPLEMENTAL in the matter of the enrollment of WILLIAM ROSS, ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 28, 1902, that his application for the enrollment of himself, et al., as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902, and that on said date an opportunity would be given him to appear before the Commisaion either in person or by attorney and introduce any further testimony affecting his application. The applicant has this day, to-wit: the 19th day of March, 1902, been called and fails to respond either in person ar by attorney, and the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

Mr. W. W. Hastings, Cherokee representative, present.

---oooOOOooo---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings had this day in the above application, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

D1172

Cher. D-1112.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 20, 1902.

In the matter of the application of Malinda Morton for the enrollment of William, Francis M., George, Annie and Margaret Ross, as citizens of the Cherokee Nation.

SUPPLEMENTAL TO D-1112.

Testimony in behalf of applicants.

Cherokee Nation appears by W. W. Hastings.

JOSHUA ROSS, being first duly sworn, testified as follows:

COMMISSION: What is your name? A Joshua Ross.
Q How old are you, Mr. Ross? A 69.
Q Your postoffice address? A Muskogee.
Q Were you acquainted with Charles Ross? A Yes, sir.
Q Were you acquainted with his wife, who is now Malinda Morton? A No, I wasn't acquainted with her.
Q Are you related to Charles Ross in any manner? A He was a nephew of mine.
Q What was his father's name? A William C. Ross.
Q When did his father die? A He died in '64.
Q What was the name of Charles Ross' mother? A Anna.
Q When did she die? A She died in '82.
Q Were the parents of Charles Ross both Cherokees? A Yes, sir.
Q When did Charles Ross die? A He died in '64.
Q '64? A '84 I mean.
Q Had he always lived in the Cherokee Nation prior to his death?
A Yes, sir.
Q Had he always been recognized as a citizen of the Nation?
A Yes, sir.
Q Do you know why his name doesn't appear upon the roll of 1880?
A No, I don't, but I have a letter from Judge Henry Ross, an uncle of mine, saying that he was over in Coowescoowee District in 1880.
Q And failed to enroll because he was in Coowescoowee District?
A Well it was supposed that he was sick, I don't know that.
Q What district did this Charles Ross belong to? A He was born in Tahlequah District, and was raised in Saline District, went to the Orphan Asylum when it was at the male seminary in Tahlequah, and then after that he lived in Saline with his grandmother, my mother, Susan Ross, and after her death he worked about and went over to Coowescoowee District, and was married there, and then lived in Saline again, afterwards moved to Tahlequah District, where he was killed.
Q How do you know of your own knowledge whether or not he was ever outside of the Territory from the time of his birth up until the time he died for the purpose of making his home? A Yes, sir, I can swear to that; he never lived outside of the Nation.
Q Do you know all these children of his? A No, only I have never seen them, only know their names.
Q You don't know anything about his wife? A I was informed that she remarried; married a man by the name of Morton.
Q You don't know anything about her marriage to Charles Ross, do you? A No, but then I have a letter from Joel Bryant saying that his father married by a contract in Coowescoowee District.
Q Do you know whether or not Malinda Morton and Charles Ross lived together from the time of their marriage up until the time of

Charles Ross's death? A Yes, sir, I know that fact.
Q Is there any other statement you desire to make relative to these applicants? A No, that is all.

Arthur G. Geesinger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Geesinger

Subscribed and sworn to before me this 11th day of June, 1898.

Notary Public.

R
Cher--Suppl to D 1112.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 27, 1902.

In the matter of the application of MALINDA MORTON, for the enrollment of WILLIAM ROSS, ET AL., as citizens of the Cherokee Nation:

RENA FAIR, called as a witness being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Rena Fair.
Q How old are you ? A I am 44 or 45 I guess.
Q What is your post office address ? A Chateau.
Q Did you know Charles Ross ? A Yes sir, he was my brother.
Q What was his citizenship ? A Cherokee.
Q Where was he born ? A He was born up at Tahlequah.
Q Was he born in the Cherokee Nation ? A Yes sir.
Q How long did he live here after his birth ?
A As long as he lived. He lived until he was thirty seven.
Q Was he ever outside the Cherokee Nation after his birth ?
A Never, only to go to Fort Smith and Parsons.
Q How long did he stay at Fort Smith and Parsons ?
A About three days.
Q Where was he living in 1880 ? A Among his friends sometimes. Sometimes he stayed with me and sometimes with uncle Joe.
Q You are his full sister ? A His full sister.
Q Have any other brother or sister ?
A Yes sir we had a brother and sister but they are both dead.
Q What was his wife's name ? A Malinda Nix.
Q What is her name now ? A Morton now, I guess.
Q Is she a white woman ? A Yes, she is a white woman.
Q When was he married to her ? A In 1881.
Q Did you see them married ? A No sir.
Q Did you see them living together as man and wife ? A Yes sir.
Q Were they generally recognized in the community as man and wife ?
A Yes sir. He was here in 1880, and the census takers missed him and he was just from one place to another. He wasn't out of the Nation that year at all.
Q How long did Charles Ross and wife Malinda live together ?
A They were married in 1881, and he was killed in 1894.
Q Did they live together up to the time of his death ?
A All the time, never separated a day.

Examined by Mr. Hastings:

Q Had he ever been married before ? A No sir.
Q Had she ? A No sir.
Q How far did they live from you when they married ?
A I guess it was---they married at John McBride's place, and I lived at Chateau.
Q Eight or ten miles ? A Yes sir.

The Commission: There is offered in evidence a certificate signed by E. W. Alberty, Assistant Executive Secretary of the Cherokee Nation, shewing that Charles Ross, his wife Malinda, and children, William, Marian and Henry Ross, are found on the Cherokee census roll of 1896, in Saline District.

--1883 roll, Coowescoowee District, page 80, # 1771, Charles Ross;
--1883- roll, Coowescoowee District, page 80, # 1772, William Ross;

Suppl D 1116

--1896 roll, page 93, # 1794, Charlie Bear, Tenmessassaw District;
--1896 roll, page 93, # 1795, Willie Bear, Tenmessassaw District;
--1896 roll, page 93, # 1796, Francis Bear, Tenmessassaw District;

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this July 7, 1902.

(Seal)

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUL 10 1902

Acting Chairman.

R
Chas Dills

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 28, 1902.

In the matter of the application of WILLIAM ROSS, ET AL., for enrollment as citizens by blood of the Cherokee Nation:

H. C. ROSS, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A H. C. Ross.
Q How old are you ? A Fifty three.
Q What is your post office address ? A Locust Grove, I. T.
Q Were you acquainted with Charles Ross during his life time ?
A Yes sir.
Q Where did he live when you first learned to know him ?
A In Saline District.
Q Are you related to him in any way ? A Yes sir.
Q How ? A Second cousin.
Q What was his citizenship ? A Cherokee.
Q Do you know his wife Malinda ? A Yes sir.
Q What was her citizenship ? A She was a United States citizen.
Q Do you know anything about the marriage of Charles Ross and Malinda ? A Not of my personal knowledge. I heard that they were married.
Q Did you ever see them living together as man and wife ?
A Yes sir.
Q Were they recognized in the community in which they lived as man and wife ? A They were.
Q When did Charles Ross die ? A The fall of 1894 I believe.
Q Did you ever hear his wife's right to enrollment disputed prior to this time ? A I never have.
Q Was he generally recognized as a Cherokee by blood prior to his death ? A Yes sir.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this July 8, 1902.

Notary Public.

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

OCT 4 1902

ACTING CHAIRMAN

Cherokee D-1113.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., September 24, 1902.

In the matter of the application of William Ross for the enrollment of himself, his brothers, Francis M. and George Ross, and his sisters, Annie and Margaret Ross, as citizens by blood of the Cherokee Nation.

Appearances: J. C. Starr for Cherokee Nation and J. Ross for applicant.

William Ross, born, sworn and examined by the Commission, testified as follows:

Q What is your name? A William Ross.
Q How old are you at this time? A Twenty years old, my last birthday.
Q Are you the identical William Ross that is included in this application made on February 18, 1901, for the enrollment of yourself and brothers and sisters? A Yes sir.
Q What is your mother's name? A Malinda Moten now.
Q It was Malinda Ross? A Yes sir.
Q Is she a white woman or Cherokee? A White woman, I reckon.
Q What was your father's name? A Charles Ross.
Q Was he a white man or Cherokee? A Cherokee.
Q Do you know how long he has been dead? A Seven years I think.
Q Where was he living when he died? A In Tahlequah District, fifteen miles from Wagoner.
Q Was your mother living with him at the time of his death? A Yes sir.
Q These children named in this application were living with him at the time he died? A All but one, Margaret.
Q She was born after his death? A Yes sir, about two weeks after my father died.
Q After your father's death your mother married a man by the name of Moten? A Yes sir.
Q Do you remember about when she married Moten? A Not exactly, it has been about five years.
Q About two years after your father died? A Yes sir.
Q After your father died where did your mother live? A In Goingsnake District part of the time.
Q Did she live in Goingsnake District, Cherokee Nation, from the time your father died up until the time she married her present husband, Moten? A All but about two months.
Q Where was she that two months A In Tahlequah District.
Q But still in the Cherokee Nation? A Yes sir.
Q Where has she lived since she married Moten five years ago? A In Canadian District, six miles below Webbers Falls.
Q In the Cherokee Nation? A Yes sir.
Q All the time? A Yes sir.
Q She has never lived out of the Cherokee Nation since your father died? A No sir.
Q In '93 or '94? A No sir.
Q Have these children and yourself, Francis M., George, Annie, lived with your mother in the nation since your father died? A Yes sir, all but me, I haven't stayed with them but very little.
Q Where have you lived? A In the nation.
Q With some of your other relatives? A Yes sir.
Q Has Margaret lived in the nation with her mother since she was born? A Yes sir.
Q Are all these children alive and living with your mother in the nation? A Yes sir.

2-William Ross et al.

The undersigned, being duly sworn, states that as stenographer to the Comaission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. L. Rothenburger

Subscribed and sworn to before me this 2nd day of October, 1902.

B. C. Jones
Notary Public.

COMMISSION TO LAUNCH CIVIL
Filed
NOV 15 1902

Q That was the first trip he came out here? A Since we were married, yes.
Q How long did you and he stay here that trip? A We come sometime in August, and I think we got back in November.
Q Back in Georgia? A Yes, we went back there.
Q When did you come out again after that? A We,, I think I came out the next---no, he came out the next spring. After we went out that time to be enrolled, then he came out
Q You didn't come with him? A No.
Q How long did he stay here then? A I suppose he was gone three or four months.
Q Then he came back to Georgia? A Yes, and then we wasn't here any more until enrolling. Was it March, last year?
Q February. Then you and he were back in February, 1901? A Yes sir.
Q How long did you stay in February, 1901? A I was here probably a month but he was here longer than that--than I was. He staid and I went back.
Q Then where did he go from here? A Went back to Georgia.
Q And when did he and you finally keave Georgia? A He left Georgia sometime last July--this July past.
Q That would be July, 1901? A Yes.
Q Where did he go from Georgia? A He went directly down to Amarilla after he was here and staid two or three weeks, and then he went home two or three weeks at Georgia, and then went directly back to Amarilla, Texas.
Q He has lived there then, ever since? A Yes sir.
Q When did you go there? A January, this year.
Q January, 1902? A Yes sir.
Q Since you married Mr. Garmany your home has been principally in Georgia, hasn't it? A Yes, that's where I reside, at my mother's home.
Q And Garmany lives there with you? A Yes, he did live there with me.
Q You and he never kept house here in the Indian Territory, have you?
A No, we never did.
Q The only times you have been here were the times you speak of, on visits?
A Yes, since we have been married.
Q And once ever summer since 1895, you have been out here and spent a month or six weeks?
A Yes, not longer than that, anyway.
Q You have had a farm here all the time but you and Garmany neither one ever lived in the farm? You kept that rented out? A Yes, what property I ever owned was here, and my brother managed it.

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Frances H. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances H. Lane

Subscribed and sworn to before me this November 11th, 1902.

R.P. Jones
Notary Public.

Cherokee D #1112

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William, Francis M., George, Annie and Margaret V. Ross, as citizens by blood of the Cherokee Nation:

D E C I S I O N .

The record in this case shows that on February 18, 1901, Malinda Morton appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of her minor children, William, Francis M., George, Annie and Margaret V. Ross, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on May 26, June 27, June 28 and September 24, 1902.

The evidence shows that the said William, Francis M., George, Annie and Margaret V. Ross are the minor children of Malinda Ross, now Malinda Morton, by her former husband, Charles Ross, a citizen by blood of the Cherokee Nation, who is identified on the 1883 pay roll, the 1886 pay roll, the 1890 census roll and the 1894 Strip payment roll of the Cherokee Nation as a native Cherokee. All of said applicants, except Margaret V. Ross, are identified on the 1896 census roll of the Cherokee Nation, the said Margaret V. Ross being identified by a birth affidavit made a part of the record herein.

The evidence further shows that all of the above named applicants have resided in the Cherokee Nation all their lives.

It is, therefore, the opinion of this Commission that William Ross, Francis M. Ross, George Ross, Annie Ross and Margaret V. Ross should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this MAR 2 1903

COMMISSIONERS
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee D-1112

Muskogee, Indian Territory, March 4, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, granting the application of Malinda Morton for the enrollment of her minor children, William, Francis M., George, Annie and Margaret V. Ross, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Chairman.

Enc. M-5173

IN THE MATTER OF THE APPLICATION OF

William Rossiter

SUPPLEMENTAL

A Original testimony - 1/8/01

B Memo of application &c by " "

C Birth Certificate, Margaret E.

Notice of final consideration, 3/19/02

Cher D 1113

Cher D 1113

D1113

FEB

ACTING CHAIRMAN

DOCKET NO. 46 TO APPLICANT.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEBRUARY 18th, 1901.

IN THE MATTER OF THE APPLICATION OF FRANK SMITH for the enrollment of himself and children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, T. B. Needles testified as follows:

Q What is your name please? A Frank Smith.
Q Any middle name? A No, sir.
Q What is your Postoffice address? A McLain.
Q What district do you live in? A Canadian.
Q Are you a recognized citizen of the Cherokee Nation by blood?
A Yes, sir.
Q Whom do you want to enroll? A Myself and children.
Q What is your age? A Fifty six.
Q Are you married? A No, sir.
Q What are the names of your children? A Thomas Fox Smith.
Q How old is he? A Sixteen.
Q What is the name of the next child? A Nannie.
Q How old is Nannie? A Same age.
Q Next one? A Emma C.
Q How old is she? A Thirteen.
Q Next child? A Samuel.
Q How old is he? A Ten.
Q Well, next child? A Susan.
Q How old is Susan? A Ten.
Q Next one? A Enoch Y.
Q How old is he? A Eight.
Q Next child? A Annie.
Q How old is Annie? A Six.
Q Next child? A Jennie.
Q How old is Jennie? A Four.
Q Next one? A That is all. There is one I think you enrolled at Gibson; Bill Scott enrolled one of them; Juliette.
Q What is the name of the mother of these children?
A Ruth Whitewater is the mother of the first five.
Q Was she a citizen by blood? A Yes, sir.
Q Is she living? A No, sir, she's dead.
Q She was a citizen by blood? A Yes, sir.
Q What is the name of the mother of the last three children?
A Sallie Young.
Q Was she a citizen by blood? A Yes, sir.
Q Cherokee? A Yes, sir.
Q Is she living? A No, sir.
Q Are you married now? A No, sir.

Tribal Rolls of citizens of the Cherokee Nation examined and the names of the applicants appear thereon as follows:

1880 ROLL:

Page 867, #1853, Frank Smith, Illinois District.
Page 53, #1478, Ruth Whitewater, Canadian District.
Page 610, #2346, Sallie Young, Illinois District.

1896 ROLL:

Page 71, #1968, Frank Smith, Canadian District.
Page 71, #1971, Thomas F. Smith, Canadian District.
Page 71, #1972, Nancy Smith, Canadian District.
Page 71, #1973, Emma Smith, Canadian District.
Page 71, #1974, Samuel Smith, Canadian District.
Page 71, #1975, Susan Smith, Canadian District.
Page 71, #1976, Enoch Smith, Canadian District.
Page 71, #1977, Annie Smith, Canadian District.

Q Have you any proof of birth as to Jennie? A No, sir.
Q Are these children all living now? A Yes, sir.
Q Where? A At home, some of them; four are in the Creek Nation

and the balance are at home.
Q Have you ever applied for Creek citizenship for any of these children? A No, sir; you told me to see Chief Porter and he told me to go on home.
Q On what ground did you think of applying for Creek citizenship?
A On being a Creek by blood.
Q Thought you just now testified that you were a Cherokee by blood? A I am both.
Q Was your mother a Creek? A No, sir.
Q What was your father; a Creek? A Yes, sir.
Q What was your mother; a white woman? A White woman. My father was a Cherokee and a Creek too.
Q How did you happen to get on the 1880 Roll if you were a Creek?
A I registered in Illinois District and lived there.
Q The mothers of these children were both Cherokees by blood, were they? A Yes, sir.
Q Have you ever applied for enrollment as a Creek citizen? A
A Yes, sir.
Q Were you enrolled as a Creek citizen? A Yes, sir.
Q Are you enrolled now as a Creek citizen? A I don't know.
Q Do you elect now to be enrolled as a Cherokee? A Yes, sir.
Q And do you abandon any claim you may have as a Creek citizen?
A I haven't yet.
Q Do you now? A I have got a good farm there and I don't want to abandon it.
Q If you elect to be enrolled as a Cherokee that settles you as a Creek? (No response)

Com'r. E. B. Needles: The name of Frank Smith is found upon the authenticated roll of 1880 as a native Cherokee; also upon the census roll of 1896; he avers that he is a Creek citizen by blood; his father was a Creek and his mother a white woman; he also avers that he does not abandon his Creek citizenship. The names of his children, Thomas F., Nannie, Emma C., Samuel, and Susan, Roach Y and Annie Smith are found on the census roll of 1896 and he avers that Thomas F., Nannie, Emma C., Samuel and Susan are his children by one Ruth Whitewater, a Cherokee citizen by blood, and the name of Ruth Whitewater is found upon the authenticated roll of 1880; and he avers that Roach Y. and Annie Smith, whose names are found upon the census roll of 1896, are his children by one, Sallie Young, a Cherokee citizen by blood, and the name of the said Sallie Young is found upon the authenticated roll of 1880; He avers that he has one child, Jennie, whose name does not appear upon the census roll of 1896, she being also his child by the said Sallie Young.

By reason of the fact that the said Frank Smith's name is found on both the Cherokee and Creek rolls, and that he does not abandon his rights as a Creek citizen, final judgment as to the enrollment of said Frank Smith will be suspended and his name will be placed upon a doubtful card.

His children as enumerated herein are duly identified and make satisfactory proof of residence; consequently they will be listed for enrollment as Cherokee citizens by blood. In order to complete the enrollment of his child, Jennie Smith, it will be necessary for him to file a certificate of the birth of said child.

FRANK SMITH ET AL.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R R Rowe

Subscribed and sworn to before me this 19th day of February, 1901.

COMMISSIONER.

CD1113

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 28 1902

ACTING CHAIRMAN

Supl.-C.D.#1113.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 19, 1902.

SUPPLEMENTAL in the matter of the enrollment of FRANK SMITH as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 28, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian, Territory, on the 19th day of March, 1902, and that on said date he might appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any additional testimony affecting his application. The applicant has this day, to-wit: the 19th day of March, 1902, been called and failing to respond either in person or by attorney, his case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---oooOOOooo---

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commissioner to the Five Civilized Tribes that I correctly recorded the proceedings had this day in above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

DEPARTMENT
COMMISSION TO THE

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A1113

Cherokee D 1113.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 16, 1902.

In the matter of the application of Frank Smith for the enrollment of himself as a citizen by blood of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

FRANK SMITH, being sworn, testified as follows:

By the Commission,

Q What is your name? A Frak Smith.
Q How old are you? A Fifty-seven.
Q What is your postoffice? A It was McLain, but I moved to Braggs last February.
Q Braggs? That's your postoffice now? A Yes, sir.
Q You are a Cherokee by blood, are you? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Have you lived in the Cherokee Nation all your life? A Yes, sir.
Q Have you ever made your home outside the Nation? A No, sir.
Q Living in the Cherokee Nation now? A Yes.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 12th day of November, 1902.

W. R. Jones
Notary Public.

Cherokee D. 1113.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Frank Smith for his enrollment as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record herein shows that on February 15, 1901, Frank Smith appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself, among others, as a citizen by blood of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on October 15, 1902.

The evidence shows that Frank Smith is identified on the authenticated tribal roll of 1880 and on the Cherokee census roll of 1896 as a native Cherokee. It further appears that the said Frank Smith claims to be part Cherokee and part Creek.

From an examination of the records of the Commission it is shown that the said Frank Smith never applied to this Commission for enrollment as a Creek citizen. It is further shown however, that Frank Smith, among others, made application to the Citizenship Commission of the Creek Nation for citizenship in said nation as Creeks by blood, and that said application was denied by said Commission on October 15, 1902, and no appeal was taken therefrom.

The evidence further shows that the said Frank Smith has lived in the Cherokee Nation all his life.

It is, therefore, the opinion of this Commission that Frank Smith should be enrolled as a citizen by blood of the Cherokee Nation.

in accordance with the provisions of section twenty-one of the act of Congress approved June 30, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby
Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

(SIGNED) W. E. Stanley.
Commissioner.

Dated at Muskogee, I. T.,
this JUN 1 - 1903

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1113.

Muskogee, Indian Territory, July 9, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1903, granting the application of Frank Smith for the enrollment of himself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Commissioner in Charge.

Enc. H-22.

IN THE MATTER OF THE APPLICATION OF

Lewis Smith

Original Testimony Feby 18/01

Amended Application Feby 18/01

Letter from Acting Forman Dec 1900

Notice of final consideration

Cher D 1114

Cher D 1114

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 21 1901

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 19th, 1901.

In the matter of the application of Valzie Vann for the enrollment of herself and children as citizens of the Cherokee Nation; said Vann being sworn and examined by Commissioner T. B. Needles, testified as follows: Also applies for husband.

Q What is your name? A Valzie Vann.
Q What is your age? A 42.
Q What is your post office? A My post office, Fairland.
Q What district do you live in? A Delaware district.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q Whom do you want to enroll? A I want to enroll my children.
Q Do you want to enroll yourself A Yes, sir.
Q Yourself and children? A Yes, sir.
Q How many children? A Eight.
Q What is the name of your eldest child? A Valzie M. Vann.
Q How old is she? A She is 18.
Q The next child? A William Oscar.
Q How old is he? A 17.
Q The next child? A Florence.
Q How old is Florence? A She is 14.
Q The next child? A Walter.
Q How old is Walter? A Ten.
Q The next child? A Minnie.
Q How old is Minnie? A Eight.
Q The next one? A James D.
Q How old is James D.? A Six.
Q The next one? A Nancy.
Q How old is Nancy? A She is five.
Q The next child? A Nellie.
Q How old is Nellie? A She is two.

Tribal Rolls of the Cherokee Nation examined and applicants' names found thereon as follows:
1880 Authenticated Roll; page 332, #2738, Valza Vann, Delaware district.

BY ROBERT STARR, Cherokee Representative:

Q Is your husband living? A Yes, sir.

BY COMMISSIONER NEEDLES:

Q Is he a citizen? A Yes, sir.
Q Do you want to enroll him? A Yes, sir.
Q What is his name? A John M.
Q How old is he? A 49.

Examination of the Rolls of citizens of the Cherokee Nation continued:
1880 Authenticated Roll; page 332, #2738, John J. V. Vann, Delaware district.

Q The names of yourself and family are not on the roll of 1896 are they? A No, sir.
Q Are they on the roll of 1896, did you ever draw strip money?
A No, sir.
Q How long have you lived in the Cherokee Nation? A I was born and raised here.
Q Have you been living here all your life? A Yes, sir, I was out of the country, I moved to Arkansas; lets see I moved in there

about '82.
Q How long have you lived there? A I lived there until about the 14th of the month.
Q Of this month? A Yes, sir.
Q Were there children born in Arkansas? A Yes, sir.
Q All of them? A All but one.
Q All but the youngest one? A The oldest one.
Q You and your husband lived in Arkansas? A Yes, sir.
Q And for years then you have had no residence in the Cherokee Nation, since 1882? A No, sir.
Q Have you always had property in the Cherokee Nation? A Yes, sir, always had property.
Q But you did not draw your strip money in 1894? A No, sir.

BY J. T. RAUGH, Cherokee Representative:

Q When they were making the roll of 1894 to be used in making the payment did you apply to be enrolled? A Yes, sir.
Q They refused you didn't they A Yes, sir.
Q When they were making the roll of 1896, did you apply to be in for enrollment? A I believe so.
Q Did the Cherokee authorities refuse to enroll you at that time the same as they did in 1894? A I believe they did.

BY COMMISSIONER NEEDLES:

Q Were you and your husband and children ever admitted by the Cherokee authorities to citizenship? A Yes, sir.
Q When? A No, I reckon not.

Com'r Needles:--The name of John F. Vann is found upon the authenticated roll of 1880 as John J. V. The name of the applicant, Valzie, is also found upon the authenticaged roll of 1880 as per page and number of the roll as indicated in the testimony. The names of the said John F. Vann, his wife, Valzie, and his children as enumerated in the testimony, are not found upon the census roll of 1896, nor the pay roll of 1894. Because of the testimony given as to the residence of the said parties, final judgment as to the enrollment of the said Valzie Vann and her husband, John F. Vann, and her children as enumerated herein, will be suspended and their names will be placed upon a doubtful card.

---oo0oo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 20th day of February, 1901.

Commissioner.

D. 1114.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 19, 1902.

In the matter of the application of John E. Vann for the enrollment of himself, wife and children as citizens of the Cherokee Nation.

The applicant represented by J. R. Sequitchie, Agent.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter February 28, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902. The applicant this day, to wit the 19th day of March, 1902, appears by his agent, J. R. Sequitchie.

DAVID W. VANN, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A David W. Vann.
Q What relation are you to the applicant, John E. Vann? A I am his brother.
Q John E. Vann married Volsey Ward, didn't he? A Yes, sir.
Q He got in some trouble according to the testimony, about '82, in the Cherokee Nation? A '81 or '82.
Q Has he resided in the Cherokee Nation since that time? A No, sir, he hasn't.
Q He does not reside in the neighborhood of Fairland now? A No, sir, he don't now.
Q Nor hasn't since '82, that's the truth about it? A Yes, sir, that's the truth about it.
MR. SEQUITCHIE: What was the circumstance brought around as to the trouble he got into when he left? A He shot a man, killed him.
Q Well, how did he happen to leave? A Well, this man's brother and brother-in-law commenced and they organized a mob, and they was after him and he left.
Q Well, this mob, are they any of them alive today, are they living? A Two or three of them.
MR. HASTINGS: Your brother has a wife and family? A Yes, sir, wife and family.
Q His wife and family are with him? A Yes, sir.
COMMISSION: Where is your brother now? A He is in the states of somewhere.
Q Not living in the Territory? A No, he is not living in the Territory.
MR. SEQUITCHIE: Can you give any account why your brother didn't return to the Cherokee Nation, What he doesn't reside and stay here? A No.
Q Has he got any property in the Cherokee Nation which he holds? A Yes, sir.
Q What does it consist of? A He and him own a farm together, and then he had some stock and bought cattle with me, and then a mill, he had an interest, half interest in a mill down near Maysville, Arkansas, in Delaware District.
Q Has his wife Volsey ever been back to the Cherokee Nation? A Yes, sir. She was here in last January or February, last year, a year ago.
MR. HASTINGS: Did she ever come to enroll? A Yes, sir, when

she come to enroll, that's all the time she has been here.
Q Well, your brother disposed of that property that he had that you spoke of? A No, sir.
Q Has he a half interest in that mill yet? A Yes, sir.
Q Is that mill running? A It was up to last——
Q Do you know of your own knowledge that he has got a half interest? A Yes, sir, I do.
Q And do you collect the proceeds? A I was a witness to the trade.
Q Well, that was nineteen years ago or more, how about since that time? A That's my understanding.
Q How far do you live from that mill? A I live about twenty or twenty-five miles; it is right there near Maysville, twenty or twenty-five miles from where I live. He has got an interest in a farm.
Q Where? A At Fairland.
Q In whose farm? A Mine and his.
Q When did you buy it? A Bought it from him, a half interest in it in '81.
Q '81? A Yes, sir.
Q Has he been sent any rents ever since? A No, he collected, his wife when she was up here, she got some.
Q Well, she never collected it from '82 up to 1900? A No, sir.
Q What become of his horses and cattle? A Well, I have got some of them yet, I just kept them on.
Q They have lived for twenty years? A No, sir, not all of them; well I raised some of them cattle.
Q How many did he leave with you when he left? A He left six head of cattle.
Q How many has he got now? A I have got mine and his, I don't know exactly how many, I just hold them.
Q You have never been accounting to him for the proceeds? A No, sir, never had a settlement.

COMMISSION: Do you submit the case to the Commission?

MR. SEQUICHIE: Yes, sir.

The agent for the applicant and the representatives of the Cherokee Nation present submit the case; the same is deemed completed and will be reported to the Commission for a final decision based upon the evidence now of record.

I, Arthur G. Croninger, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Arthur G. Croninger

Cherokee-D- 1114

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Valzie, John E., Valzie E., William O., Florence, Walter, Minnie, James D., Nancy and Nellie Vann as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on February 19, 1901, Valzie Vann appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of herself, her husband, John E. Vann, and her eight minor children, Valzie E., William O., Florence, Walter, Minnie, James D., Nancy and Nellie Vann as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 19, 1902.

The evidence shows that the said John E. and Valzie Vann are Cherokees by blood, that they removed beyond the limits of the Cherokee Nation and Indian Territory about the year 1881 or 1882, and have not resided in said nation or territory since that time. They are both identified on the 1880 authenticated tribal roll of the Cherokee Nation.

The minor children for whom application is made here were all born outside the limits of the Cherokee Nation and Indian Territory, except Valzie E., and she has resided with her parents all her life. The other children herein applied for have likewise resided with their parents all their lives.

The evidence further shows that all those for whom application is here made were non-residents of the Cherokee Nation and Indian Territory on June 28, 1898, and at the date of the application herein.

Par. 9, Sec. 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495) provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of Valzie Vann, John E. Vann, Valzie E. Vann, William O. Vann, Florence Vann, Walter Vann, Minnie Vann, James D. Vann, Nancy Vann and Nellie Vann as citizens by blood of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this _____

IN THE DEPARTMENT OF THE INTERIOR.

----oOo----

In re	)
Application of Valzie Vann,	:
et al., for Enrollment as	)
Citizens of the Cherokee	:
Nation.	)

----oOo----

MOTION FOR REVIEW AND REHEARING.

Now come the applicants by their attorneys and move that the decision of the Secretary of the Interior in the above entitled case be set aside and that the said cause be reopened and reviewed for the reasons set forth in the brief hereto attached.

Harry G. Kimball

Tom Henry White

Attorneys for Applicants.

IN THE DEPARTMENT OF THE INTERIOR.

----oOo----

In re)
Application of Valzie Vann, :
et al. for Enrollment as)
Citizens of the Cherokee :
Nation.)

----oOo----

BRIEF FOR APPLICANTS.

The record discloses that the principal applicant, Valzie Vann, is identified upon the 1880 roll as Valza Vann and that her husband is also identified on the 1880 roll as John J. V. Vann. Valza Vann was born and raised in the Cherokee Nation. She resided there with her husband until about the year 1882, when her husband removed with his family to Arkansas. Mrs. Vann returned with her family on February 14, 1901.

The reason they left the Nation in 1882 is found in the testimony of David W. Vann, the brother of John Vann. In 1882 John Vann shot and killed a man. This man's brother and brother-in-law organized a mob and ran John Vann out of the Nation. Two or three of this mob were still living when the testimony was taken.

At the time of leaving the Nation John Vann owned valuable property in the Cherokee Nation, which he still continues to own. The testimony of David W. Vann on this point is as follows:

> We and him owned a farm together and then he had some stock and bought cattle with me, and then a mill, he had an interest, half interest in a mill down near Maysville, Arkansas, in the Delaware District.

David W. Vann further testified that his brother did not

dispose of this property; that he still owns a half interest in the mill; that deponent knows this of his personal knowledge; that John Vann has now an interest in a farm at Fairland with deponent; that John Vann owned the farm and deponent bought the half interest from him in 1881; deponent has horses and cattle which John Vann left with him in the Nation; that some of those left are dead and that some he now has were raised from the original stock left by John Vann; that John Vann left with deponent six head of cattle and that John Vann and deponent never had a settlement.

Mrs. Vann testified as follows in relation to her property:

Q. Have you always had property in the Cherokee Nation? A. Yes, sir, always had property.

The other applicants were all minors at the time of the application and are the children of John J. V. Vann and Valza Vann.

A R G U M E N T.

Valza Vann was born and raised in the Cherokee Nation. Paragraph 9 of Section 21 of the Curtis Act has been literally complied with and it is, therefore, unnecessary to consider the question of their removal and settlement in good faith in the Cherokee Nation. It is not indispensable that they should have been actually living in the Cherokee Nation on June 28, 1898.

Their Cherokee blood is established beyond question by the enrollment of Valza Vann in 1880 as to the principal applicant, and the other applicants are her descendants and are, therefore, Cherokees by blood.

When these applicants left the Cherokee Nation in 1882 they were <u>bona fide</u> citizens entitled to all the rights and privileges of such. Our inquiry, therefore, is limited to the one question, as to whether or not they have done some act which, un-

der the law, deprives them of those rights.

The decision in the Yeargains cases has instructed us exactly how to inquire into this matter. That case points out four things which must concur before citizenship rights are forfeited. We take them up in order:

First, he must have removed from the Cherokee Nation. It is admitted that the applicant removed from the Cherokee Nation in 1881.

Second, applicant must have taken his effects with him out of the Nation. This he did not do. On the contrary, the record does not show that John Vann took a single bit of property with him. Mrs. Vann testified that she always had property in the Nation; that this property is considerable in value and includes improvements upon the part of the public domain, is shown by the record.

Third, applicants must have become citizens of another government. There is not a line of testimony even tending to show any act of citizenship rights exercised, or attempted to be exercised, in Arkansas, or in any other place. This point fails of proof.

Fourth, he must have removed from the Nation intending to forfeit his Cherokee citizenship. The record shows that applicants left the Nation because forced to do so by a mob. The intention was to prevent being killed. That applicants considered their residence out of the Nation temporary is shown by the fact that all of their property was left in the Nation. It is not shown that they disposed of a single dollar's worth of property. All their interests remained in the Nation. The intention to return was fulfilled as to the principal applicant in 1901.

N E W P O I N T S.

Two other points naturally suggest themselves in cases of this kind, neither of which has been passed upon by the Assist-

ant Attorney-General for the Interior Department. The first of these we present as follows:

It having been decided by the Assistant Attorney-General in the Yeargains cases that for a bona fide citizen of the Cherokee Nation to forfeit his rights as such, he must have become a citizen of another government the inquiry is, naturally, how could he do so. In Elk vs. Wilkins 112 U.S. 94 it is shown that an Indian could not be naturalized and until he became a citizen of the United States he could not become a citizen of a state. The only way, therefore, an Indian may become a citizen of the United States is under the expressed provisions of a United States statute. John Vann and Galsa Vann became citizens of the United States under the act of Congress which expressly provided that nothing therein contained should be so construed as to deprive them of their tribal rights of property. That Congress was in earnest in this matter is shown by the act which provides where Indian women marry white men they thereby become citizens of the United States, but also provides that nothing therein contained shall be so construed as to deprive such persons of their tribal rights of property. The Assistant Attorney-General has announced the well established law to be

> The premise that the legislative power of Congress over the affairs of Indian tribes and nations is plenary to repeal or change their laws and constitutions is so well established as to be beyond further controversy. -- Opinion approved July 8, 1903, in relation to Sec. 2, Art. I, of the Constitution of the Cherokee Nation, which is the article under consideration here.

If, therefore, there is inconsistency between the provisions of the Cherokee Constitution and the act of Congress, the latter must prevail. The conclusion is inevitable that the only "other government" of which a Cherokee citizen may become a citizen so as to deprive him of his tribal rights of property is another Indian government. As none of these applicants became citizens of another Indian government, they are entitled to enrollment.

The second point is in relation to the applicants as

a wife and minor children. Statutes are not be construed so as to work injustice, or lead to an absurd consequence.

Lau Ow Bew, vs. United States, 144 U. S. 47.

To construe paragraph 9 of Section 21 of the Curtis Act so as to deprive the wife of her Cherokee tribal rights if she does not remove to the Cherokee Nation within a certain time, or to construe section 2 of article 1 of the Cherokee Constitution so as to deprive her of her tribal rights if she makes her home with her husband, wherever he may elect that home to be, would require of her that she abandon her husband, break up her family and give him just cause for divorce for failure to comply with her marriage vows. No one can deny that this construction would be opposed to public policy, which regards the unity of the family and its well-being as among the most sacred of our institutions. It would lead to injustice and oppression.

That papagraph 9 of section 21 of the Curtis Act was not intended to be applied to children is evidenced from the rulings of the Department and Commission in asking only evidence of the parents. We have briefed this point in several cases and will not elaborate it here. Suffice it that the Curtis Act uses the word "persons" as applied to those whose names appear upon rolls and the word "descendants" as indicating a right independent of enrollment. All of the requirements in the act are of the "persons" and there is no requirement anywhere of the "descendants". Paragraph 9 requires the removal and settlement on the part of "persons" only. It would be leading to an "absurd and ridiculous consequence" to require of a baby descendant that it should remove to and in good faith settle in the Cherokee Nation.

The Cherokee Act of December 4, 1894, requiring removal to the Cherokee Nation of all persons theretofore and thereafter readmitted expressly excepts orphans and minors. The whole body of the law favors these helpless ones. Until they are fully able to care for themselves, it is the effort of every judicial tri-

bunal to carefully guard their rights and this guardianship is as carefully exercised in the construction of statutes which might affect them ~~as well~~ as in courts of equity and probate.

A question is never settled until it is settled right. The fact that considerable trouble might result in properly caring for these helpless ones should not weigh with those who are bound in all good faith to care for them and see that their just rights are preserved.

J O H N J. V. V A N N.

John J. V. Vann has not applied for enrollment. He is on the roll of 1880. The law directs the Commission to enroll all persons whose names appear upon that roll. The Assistant Attorney-General has said that they must enroll him unless he has done some act which deprives him of that right under Cherokee law. The mere fact that he has not applied is of no consequence. The duty of the Commission and the Department is shown in the direction to investigate the right of all persons whose names appear upon any roll. The duty of the Commission will not have been performed until they have investigated the name of John J. V. Vann, whose name appears upon the 1880 roll.

C O N C L U S I O N .

In conclusion, we, therefore, respectfully submit:

1. That Valza Vann has complied with paragraph 9 of section 21 of the Curtis Act.

2. That she was, therefore, a bona fide citizen of the Cherokee Nation in 1882 and has since done no act to forfeit her rights because, while she did remove from the Cherokee Nation, she did not remove any property; did not become a citizen of another government, and did no act even intimating an intention of forfeiting her rights; on the contrary, her reason for leaving the Nation was that she was driven out through fear of bodily harm.

She and her husband maintained large amount of property in the Cherokee Nation. She could not have became a citizen of another government so as to forfeit her rights if she had tried, and as a wife she had no control over the place where she would live and her obedience to her husband should not be construed so as to forfeit her rights and may not be under act of Congress.

3. The minor descendants should be enrolled because their mother should be enrolled and their enrollment follows as a matter of course, and further, because the construction of the laws depriving them of their rights would be a construction leading to injustice, oppression and an absurd consequence.

4. We believe it to be the duty of the Commission and the Department to enroll John J. V. Vann for the reasons heretofore stated as well as the applicants herein.

Respectfully submitted,

Harry G Kimball

Dan Lucy White

JUN 3 19

AAD

Cherokee R-743

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Cherokee Land Office,
Tahlequah, I.T., May 14, 1904.

In the matter of the application of JOHN B. VANN for the enrollment of himself, his wife, VALZIE, and his children, VALZIE E., WILLIAM O., FLORENCE, WALTER, MINNIE, JAMES D., NANCY and NELLIE VANN, as citizens by blood of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

Appearances:
William Henry White for applicants;
W. W. Hastings for the Cherokee Nation.

By William Henry White: As attorney for the applicants, I wish to state that, at Fairland, I made examination of the witnesses there for the purpose of having them come here and testify, but was unable to find any fact from any witness which was not fully proved in the record, and therefore I do not care to take any further testimony. I therefore re-submit the case on the record as it now appears.

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Mabel F. Maxwell, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental proceedings had in this case and that the above and foregoing is an accurate and complete transcript of her stenographic notes thereof.

Mabel F. Maxwell

Subscribed and sworn to before me
this 32th day of May, 1904.

Simon R. Wallingford
Notary Public.

A.T.M.

Cherokee D 1114.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Valzie, John E., Valzie E., William Oscar, Florence, Walter, Minnie, James D., Nancy and Nellie Vann, as citizens by blood of the Cherokee Nation.

-:-

D E C I S I O N.

The record herein shows that on February 19, 1901, Valzie Vann appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself, her husband, John E. Vann, and their minor children, Valzie E., William Oscar, Florence, Walter, Minnie, James D., Nancy and Nellie Vann, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 19, 1902. The record further shows that on September 20, 1902, this Commission rendered its decision herein, denying said applicants the right to enrollment as citizens by blood of the Cherokee Nation, and that said decision was duly affirmed by the Department. Departmental letter of February 29, 1904, (I.T.D. 8012-03), upon request of the Commission, remanded this case for readjudication, and on May 14, 1904, supplemental proceedings in the matter of said application were had at Tahlequah, Indian Territory.

The evidence herein shows that the applicants, John E. and Valzie Vann are Cherokees by blood; that during the year 1881 or 1882, the said John E. and Valzie Vann removed from the Cherokee Nation, and have since continuously resided outside the limits of the Indian Territory, but as it is not affirmatively shown that they have become citizens of another government it is presumed that they have not forfeited their rights to citizenship in said Nation. The minor applicants herein are children of the said John E. and Valzie Vann, were born since 1880, and have resided with their parents since birth. The said John E. and Valzie Vann are identified on the Cherokee authenticated tribal roll of 1880.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Joseph D. Yeargain, et al., (I.T.D. 2900-03), Valzie Vann, John E. Vann, Valzie E. Vann, William Oscar Vann, Florence Vann, Walter Vann, Minnie Vann, James E. Vann, Nancy Vann and Nellie Vann, should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

(SIGNED). T. B. Needles.
Commissioner

(SIGNED). C. R. Breckinridge.
Commissioner

Muskogee, Indian Territory ,
this DEC 19 1904

Cherokee D 1114.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Valzie, John E., Valzie E., William Oscar, Florence, Walter, Minnie, James D., Nancy and Nellie Vann, as citizens by blood of the Cherokee Nation.

-:O:-

DISSENTING OPINION
of
COMMISSIONER BIXBY.

I can not agree with the majority opinion in this case for the following reasons, to-wit:

First. The record herein establishes the fact that since the year 1882 the applicants herein have, at no time, been bona fide residents of the Cherokee Nation, but rather, have since said date, continuously resided outside the limits of the Indian Territory.

Second. The record shows that the applicants' change of residence (and I believe, their change of citizenship), was caused by the fact that the said John E. Vann, husband and father of the other applicants herein, had violated the laws of the Cherokee Nation, and was unwilling to remain in said Nation, and submit himself and family to her protection.

Third. That the only reason advanced by the applicants for not returning to the Cherokee Nation is, that twenty-two or twenty-three years ago a mob was organized, two or three members of which are still alive, to avenge the death of the man killed by John E. Vann, and that through fear of said mob and the two or three remaining members thereof, they have since the year 1882, resided outside the limits of the Indian Territory.

Fourth. The testimony herein in re property in the Cherokee Nation owned by the applicants is meager and unsatisfactory.

Fifth. The only witnesses introduced on behalf of applicants are the principal applicant and her husband's brother, and their testimony is in direct conflict.

Sixth. After ample opportunity havin been afforded, the applicants positively refuse to come before this Commission and establish, by satisfactory evidence, the facts necessary to entitle them to enrollment as citizens by blood of the Cherokee Nation.

In removing from the Cherokee Nation the principal applicants violated no law, as it is well established that, " The right of expatriation is a natural and inalienable right, and extends to Indians as well as to the white race." U.S. v. Crook, Fed. Cas. No. 14891 (5 Dill. 253). As a matter of fact they were merely exercising a right given them under the law, as it is well settled that "Every man born free may examine whether it be convenient for him to join in the society for which he was destined by birth. If he finds that it will be of no advantage to

him to remain in it, he is at liberty to leave it." Vattel, Section 216.

It is quite evident that John E. Vann was of the opinion it would not be convenient for him and his family to remain longer in the land of their birth, and by their actions they unequivocally said: "We will exercise our privilege under the law, and reside elsewhere." Having no confidence in the law governing the land of their nativity, they decided to transfer their allegiance, and of this fact their actions furnish sufficient evidence: "The general evidence of expatriation is actual emigration, with other concurrent acts (residing elsewhere, etc.,) showing a determination and intention to transfer allegiance." Juando v. Taylor, Fed. Cas. No. 7558 (2 Paine 652).

I believe the applicants' rights to enrollment are to be tested by that provision of the Cherokee Constitution which provides:

> "Whenever any citizen shall remove with his effects out of the limits of this nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this nation shall cease; .. .."

and as the ruling of the Department in the Yeargain case is an interpretation of what constitutes expatriation under the above provision, I believe the application to the cause at bar of the doctrine there laid down will exclude the applicants herein from enrollment as citizens of the Cherokee Nation.

In the Yeargain case it was held that in order for a Cherokee citizen to expatriate himself there must be:

First, removal of his person; second, removal of his

effects; third, acquisition of another nationality by assuming citizenship elsewhere; said acts to be considered in connection with the intent with which they were done.

In re the first above mentioned requirement there is no dispute, as it is admitted the applicants have removed their persons from the Cherokee Nation, consequently only the second and third are to be considered.

Before considering them in their order, however, I wish to call attention to the fact that the burden of proof is on the applicants to establish, by satisfactory evidence, their rights to citizenship in the Cherokee Nation. See Departmental letters of January 28, 1904 (I.T.D. 3642-04), May 27, 1904,(I.T.D. 4320-04), and July 30, 1904, (I.T.D. 6056-04).

An examination of the testimony relative to the alleged effects left by applicants in the Cherokee Nation when they removed therefrom in 1882, shows that they left an interest in a farm on the public domain, an interest in a mill, and a few cows; but that during the interval between 1882 and 1901 no accounting had been made to the applicants relative to their share of the rents, profits, or increase of the above mentioned property. David W. Vann, brother of the applicant, John E. Vann, testifies that in 1901 Mrs. Valzie Vann collected "some rent"; and Mrs. Valzie Vann, on her own behalf, answers, to the question:

"Have you always had property in the Cherokee Nation ?"

"Yes,sir, always had property."

The above extracts embrace all the testimony relative to the effects left by applicants, in the Cherokee Nation, when they removed as above mentioned, and in view of the relationship and interest of the witnesses who testify as above indicated, I most emphatically

insist that the applicants herein have failed to prove that they retained any effects in the Cherokee Nation during their absence therefrom. Their actions speak louder than their words, and it is unreasonable to suppose that had they left any effects in the Cherokee Nation, with the intention of not abandoning same, they would have allowed nineteen years to have elapsed before requiring an accounting, and then an accounting only as to "some rent" from their alleged farm. The testimony as to the effects left in the Cherokee Nation by these applicants is so meager, unsatisfactory, and unreasonable, that I believe no weight whatever should be given it.

As to the "acquisition of another nationality by assuming citizenship elsewhere": It will be noticed from the testimony that the applicant, John B. Vann, the head of the family, and whose citizenship governs that of his family, is a fugitive from justice, and his residence and citizenship for a number of years have been a matter of concern to the Cherokee Nation. One thing is certain, however, and that is that neither the said John B. Vann nor his family have resided within the limits of the Indian Territory since 1882. Mrs. Valzie Vann by inference testifies that she had been a resident of the Cherokee Nation for five days at the time her application was filed, but her brother-in-law, thirteen months later, testifies that "the truth about the matter is they have not resided in the Cherokee Nation since 1881 or 1882", and it is self-evident that they have resided elsewhere.

Section six of an act of Congress approved February 8, 1887, provides:

> " .. ..every Indian born within the territorial limits of the United States, who has voluntarily taken up

> within said limits, his residence separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges and immunities of said citizens .. .. .. without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property."

The last clause of the above quotation includes the proviso referred to in applicants' brief, wherein he says: "that nothing therein (any acts passed by Congress in re Indians) contained shall be so construed as to deprive such persons of their tribal rights of property." As the act of Congress last above quoted in no way affects that provision of the Cherokee Constitution under which we believe the applicants expatriated themselves, and disposed of, or abandoned, all rights to tribal property theretofore had, I can see nothing for the proviso to work upon. Said act neither invested them with, nor divested them of any rights to tribal property, consequently the act affected them only to the extent of making them citizens of the United States, and it may be doubted whether this act was necessary to convert said applicants into citizens of the United States in view of the following decision, which holds: "... .. ..an Indian, if taxed, after tribal relations have been abandoned, is a citizen (of the United States)." U.S. v. Elm. 23 Int. Rev. Rec. 419. To give to this act the construction contended for by applicants' attorney would be to deprive a Cherokee citizen of the right, or power, even, of expatriating himself, and would make that provision of the Cherokee Constitution above quoted of no force and effect whatever.

I believe it cannot be successfully controverted that

the act of February 8, 1887, made the said John E. and Valzie Vann citizens of the United States, and following the plain terms of article fourteen, section one, Constitution of the United States, which provides:

> "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States, and of the state wherein they reside,"

supported by the holding of the Supreme Court of the United States to the effect that " A citizen of the United States residing in any state of the Union, is a citizen of that state." Gassies v. Ballon, 31 U.S. (6 Pet.) 716, 8 L.Ed. 573, identifies, conclusively, John E. and Valzie Vann as citizens of the state of Arkansas, if that be the state of their residence, or citizens of the state wherein they reside, wherever that may be.

As to the intention of the applicants to change their citizenship when they left the Cherokee Nation: I know of no better reason for changing citizenship than that advanced by said applicants, namely: Fear of remaining in the Cherokee Nation, admitting, impliedly at least, that they had no confidence in the ability of the Cherokee government to protect them, and by their actions indicating in terms stronger than can be expressed in words that it was their intention to abandon any rights and privileges that might be due them from, and withdraw all support and assistance due from them to, the government under which they had lived since birth, and transfer their allegiance to a government in whose ability to protect them they had confidence, and under whose protection they felt secure.

Surely, that provision of the Cherokee constitution above set out is to receive a reasonable construction, and in this connection it may be pertinent to ask applicants, after an absence of twenty-three years, If, as you contend, you are citizens of the Cherokee Nation, when do you intend to return and resume your duties as such? Facts are conclusive, and if anything were lacking to show the intention of these applicants to abandon their citizenship in the Cherokee Nation, I believe the fact that they have for twenty-three years remained away from said Nation, combined with the further fact that at this time said applicants show no disposition or intention of returning, is conclusive, and should preclude the applicants from being enrolled as citizens of said Nation.

A ruling that can not be followed to its logical conclusion is a poor one for this Commission, or the Department, to adopt. To adopt the rule contended for by applicants' attorney would permit each and every citizen of the Cherokee Nation to divest himself of all responsibilities and duties as such, hold himself in abeyance during any period of time, and then, when the opportunity was ripe, return and reap from the Nation he had abandoned, the profits and rewards, share and share alike, with those citizens who had remained loyal to their government. Such is not the theory of allegiance, and a nation composed of such citizens would be one in name only. To advance, at this late date, the theory that applicants have failed to resume their citizenship in the Cherokee Nation through fear of two or three men who, twenty-two or twenty-three years ago, were members of a mob that

threatened the life of the applicant, John E. Vann, is the height of absurdity, and should not for a moment be seriously considered by this Commission or the Department; and to the contention of the applicants that they have brought themselves within the ruling of the Department in the Yeargain case, I most heartily dissent. I do not believe the doctrine there laid down was intended to be stretched to the extent necessary to cover the facts established by the evidence in this case.

There is but one other feature of this case I wish to discuss before concluding, to-wit: Their (applicants) failure to come before this Commission when the opportunity was afforded them, on May 14, 1904, and by satisfactory evidence, establish the facts necessary to entitle them to enrollment as citizens of the Cherokee Nation. The head of this family, John E. Vann, has never been before this Commission, consequently, the Cherokee Nation has had no opportunity to examine him as to his intentions when he and his family left the Cherokee Nation. His and his family's present residence is shrouded in mystery, by reason of which fact the Cherokee Nation has had no opportunity to show, by witnesses from the community in which they reside, that they are citizens of another government, and have exercised the rights and privileges thereof. I cannot believe that the mere fact that the said John E. and Valsie Vann are identified on the 1880 roll is of sufficient force, in itself, to abridge an absence of twenty-three years and supply the facts necessary to constitute absentees for such a length of time, citizens of the Cherokee Nation. To

enroll, from the record now before this Commission, applicants herein citizens of the Cherokee Nation, is a manifest injustice to said Nation, and for that reason and others above more fully set out, I most decidedly dissent from the majority opinion of this Commission.

SIGNED James Bixby.
Commissioner.

Muskogee, Indian Territory,

this DEC 10 1904

D E P A R T M E N T O F T H E I N T E R I O R,

COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY/

February 1st 1905.

In the matter of the application for the enrollment of Valzie Vann et al as citizens of the Cherokee Nation.

Protest of the Cherokee Nation.

TheCherokee Nation most respectfully dissents from the decision of the Majority of the Commission rendered in the above entitled cause and in as much as Commissioner Bixby has written an exhaustive dissenting opinion we do not think it necessary for us to present our views at length to the Department.

The testimony in this case shows that John H Vann and his wife Valzie removedfrom the Cherokee Nation in 1881 or 1882 and have continuously resided without the limits of the Cherokee Nation since that time. Under the Cherokee Constitution they have forfeited their citizenship in the Cherokee Nation. They removed from the Cherokee Nation and took all of their effects except as they testify they had an undivided interest in a farm from which they received no rents for twenty-one years whereas the Statutes of Limitation of the Cherokee Nation (1892Compilation) provide that no person can recover real estate in the Cherokee Nation unless suit was instituted within three years and under the evidence in this case these people were gone twenty-one years before any rents whatever were received and they are still out of the Cherokee Nation and so far as the testimony shows they will perhaps never return to the Cherokee Nation to live. This in our judgment disposesof the two propositions:

First , That they removedout of the Cherokee Nation;

Second, That they took their effects.

As to the Third proposition, viz: As to John E. Vann becoming a citizen of another Government it has been well argued that his residence has not been made known and he himself hasnever appeared before the Commission and it would be impossible therefore for the Cherokee Nation, not knowinghis whereabouts to prove his allegiance to another government This clauseof the Cherokee Constitution having beenadopted in 1839 should be consideredin the light of contemporaneous History and in this connection we desire to call the attention of the Department to the fact that there is a clause in the patent to the lands of the Cherokee Nation signed December 31, 1838 providing for a reversion of the lands ceded in the event the Cherokee Nation became extinct or that the Cherokee abandoned same.

Suppose for the sake of argument that all of the Cherokee Citizens had removed from the Cherokee nation as did Vann and his family then the entire Cherokee estate would have reverted to the United States and to avoid just such a contingency the CherokeePeople the very next year had the clause mentioned inserted in the Cherokee Constitution, requiring that all citizens in order to enjoy the rights and benefits of the common property and common effects of the Cherokee Nation to remain in the Cherokee Nation and not remove from or abandon same.

The Yeargain case has been cited to prove the opposite contention. Let us examine the case a moment. The two Yeargain boys were born in the Cherokee Nation, a few years after the war, and some time prior to 1880, and their names appearedupon the authenticatedroll of 1880 and thei names appeared upon every pay roll and census roll made by the Cherokee Nation subsequent to that time; they attended the Cherokee Schools; they both held offices under the Cherokee Government ; they only moved within a stones throw of the Cherokee Nation across into the State of Missouri and engagedin the mercantile business, retaining in the Cherokee Nation a numberof large farms from which they received rents and proceeds annually; they also had personal property in the Cherokee Nation and another business at Grove, in the Cherokee Nation. In other words the Yeargains were duly identified with the Cherokee People and were never disconnected from their tribe.

The applicants in the case at bar, for more than twenty years, have been wanderers from the land of their nativity, not in any wise connected with the Cherokee People and the Cherokee Nation holds now and has always held and has always contended that the Yeargains were entitledto enrollment under the Cherokee Constitution because there was no expatriation act in their case but in the case at bar under the interpretation uniformly placed upon it by this Chamber of the Cherokee Constitution we do notbelieve that the applicants are entitled to be enrolled as citizens of the Cherokee Nation.

Respectfully,

(W W Hastings

By J.C.

S. Attorney for the CherokeeNation.

ATTORNEYS
L. B. BELL
W. W. HASTINGS
J. S. DAVENPORT
J. C. STARR, Secretary

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.
C. D. 1114

VINITA, IND. TER. 190

Muskogee, I. T. March, 12, 1902.

Mr. F. M. Conner,

Fairland, I. T.

Dear Sir:-

Valzia Vann has applied for the enrollment of herself, her children, and her husband, who's name is John E. Vann, and they claim that they lived at Fairland or sokswhere near there, up to the 14, th of last February. Please make inquiry, and advise us if these people are living there now, or did they just come there to enroll, and then go back.

Yours very truly,

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1114.

Muskogee, Indian Territory, September 22, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of Valzie Vann for the enrollment of herself, her husband, John E. Vann, and her eight minor children, Valzie E., William O., Florence, Walter, Minnie, James D., Nancy and Nellie Vann, as citizens by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enc. C. No. 6.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BROCKUNIER.

ALEXANDER L. ADAMSWORTH, SECRETARY.

KEEFE N. KEETS, CLERK.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee D1114.

Muskogee, Indian Territory, November 11, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting the application of Valzie Vann for the enrollment of herself, her husband, John E. Vann, and her eight minor children, Valzie E., William C., Florence, Walter, Minnie, James D., Nancy and Nellie Vann, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 22, 1902.

Respectfully,

Acting Chairman.

COMMISSIONERS
TAMS BIXBY
THOMAS B NEEDLES
C R BRECKINRIDGE
W E STANLEY

ALLISON L AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-743.

Tahlequah, Indian Territory, April 18, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:-

On February 29, 1904, the Secretary of the Interior remanded for further hearing and readjudication, the application of John E. Vann, for the enrollment of himself and family as citizens by blood of the Cherokee Nation, Cherokee R-743.

The applicant and his attorney have this day been notified that any further testimony that they may have to introduce in this case can be presented at the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on May 14, 1904, at which time you may, if you desire, also be present and introduce testimony on behalf of the Cherokee Nation.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

RP

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee D-1114.

Muskogee, Indian Territory, December 19, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 19, 1904, granting the application for the enrollment of Valzie Vann, her husband, John E. Vann, and their minor children, Valzie E., William Oscar, Florence, Walter, Bennie, James D., Nancy and Nellie Vann, as citizens by blood of the Cherokee Nation, together with the dissenting opinion of Commissioner Bixby.

You are hereby advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Incl. S-97.

Chairman.

DEPARTMENT OF THE INTERIOR,

Refer in reply
to the following:
Land.
3045-1905.
9677-1905.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. February 10, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 9, 1906, transmitting the record of the application for enrollment as citizens by blood of the Cherokee Nation by Valzie Vann for herself, her husband, John E. Vann and their minor children, Valzie E., William Oscar, Florence, Walter, Minnie, James D., Nancy and Nellie Vann.

December 19, 1904, the Commission decided favorably to all the applicants with a dissenting opinion by Commissioner Bixby.

The record shows that on September 20, 1902, the Commission decided adversely to the applicants and the same was affirmed by the Department October 22, 1902. On February 29, 1905, at request of the Commission the Department remanded the case for readjudication.

The evidence shows that the applicants, John E. and Valzie Vann are Cherokees by blood and are identified on the 1880 authenticated Cherokee Roll; that during the year 1881 or

1882 they removed from the Cherokee Nation and have since continuously resided outside the limits of the Indian Territory but it is not shown that they have become citizens of any other Nation or State and have owned and controlled property in the Cherokee Nation ever since such removal. The minor applicants are the children of Jean E. and Valsie Vann born since 1880 and have resided with their parents since birth.

A protest by the attorney for the Cherokee Nation is enclosed.

In view of the record and of the ruling of the Department in the Yeargain case the approval of the Commission's decision favorable to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

I. T. D.
1804-1905.

J. R. W.
W. C. P.

Department of the Interior,
Office of the Assistant Attorney-General.

Washington, June 17, 1905.

The Secretary of the Interior.

Sir:

I received by reference of June 7, 1905, with request for opinion thereon, the record in the case of Valzie Vann, John E. Vann, and their children, for enrollment as citizens of the Cherokee Nation.

The facts as found by the Commission to the Five Civilized Tribes and its decision are that:

The evidence herein shows that the applicants, John E. and Valzie Vann are Cherokees by blood; that during the year 1881 or 1882, the said John E., and Valzie Vann removed from the Cherokee Nation, and have since continuously resided outside the limits of the Indian Territory, but as it is not affirmatively shown that they have become citizens of another government it is presumed that they have not forfeited their rights to citizenship in said Nation. The minor applicants herein are children of the said John E., and Valzie Vann, were born since 1880, and have resided with their parents since birth. The said John E. and Valzie Vann are identified on the Cherokee authenticated tribal roll of 1880.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Joseph D. Yeargain, et al. (I. T. D. 2900-03), Valzie Vann, John E. Vann, Valzie E. Vann, William Oscar Vann, Florence Vann, Walter Vann, Minnie Vann, James D. Vann, Nancy Vann and Nellie Vann, should be enrolled as citizens by blood of the Cherokee

Nation, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

One member of the Commission dissented from the conclusion reached and was of opinion that the applicants had become expatriated and should not be enrolled.

John E. Vann did not testify, nor is it clear from the record whether he left the nation as a fugitive from justice or from fear of mob violence, or that his present whereabouts is known. The record shows that in 1882 he committed a homicide and fled the country with his wife. He left some interests in cattle, a farm, and mill in the nation, but has received no rents from the realty or accounting for the personalty, nor does it appear that he has asserted in any way any rights in such property, its rents, or proceeds, since leaving the nation.

Upon such facts I am of opinion that the presumption of entire abandonment of claim of right to such property necessarily arises, and there concurred a removal of the person and absence of all effects, the full equivalent of removal of all effects from the Cherokee Nation. While there is no direct evidence in the record as to where J. E. Vann lived, the clear indications of the evidence are that he lived in Arkansas, where his wife Valzie Vann, between 1883 and 1899, inclusive, gave birth

to the eight children included in her application. The only element of proof lacking to complete expatriation under section 2, Article 1, of the Cherokee Constitution, is that Vann become a citizen of some other government. In the case of Clara Ward (I. T. D. 5878-1904), March 25, 1905, for reasons there stated, I expressed the opinion that on a proper construction of provisions of the Cherokee Constitution, withdrawal of the person and effects of a citizen from the nation and identification with another and alien community works loss of citizenship, whether actual citizenship is elsewhere acquired or not.

I am therefore of opinion that the principal defendants, though born to Cherokee citizenship and indentified upon the confirmed roll of 1880 thereafter by removal from the nation, lost their rights of citizenship, and that neither they nor their children born after such removal have right to be enrolled.

Very respectfully,

(Signed) Frank L. Campbell,
Assistant Attorney General.

Approved: June 17, 1905.
(Signed) E. A. Hitchcock,
Secretary.

J. P.
FHE.

DEPARTMENT OF THE INTERIOR,

D. C. 31433-1905.

WASHINGTON. June 22, 1905.

I. T. D. 1804-1905.
7486- "

L. R. S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

There is transmitted herewith a copy of Indian Office letter of February 10, 1905, recommending that the decision of the majority of your Commission of December 19, 1904, in the Cherokee enrollment case of Valzie Vann, for herself, her husband, John E. Vann, and her minor children, Valzie E., William Oscar, Florence, Walter, Minnie, James D., Nancy and Nellie Vann, in favor of the applicants, be approved; and also a copy of an opinion of the Assistant Attorney of June 17, 1905, approved the same day, in which it is held that the applicants are not entitled to enrollment.

In accordance with said opinion your decision is hereby reversed and the application is rejected.

Respectfully,

(Signed) E. A. Hitchcock

Secretary.

2 inclosures.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Cherokee R-743.

Muskogee, Indian Territory, July 11, 1905.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

This office is in receipt of a communication from the Secretary of the Interior, dated June 22, 1905, relative to the right of enrollment of Valzie Vann, her husband, John E. Vann, and her minor children, Valzie E., William Oscar, Florence, Walter, Minnie, James D., Nancy, and Nellie Vann.

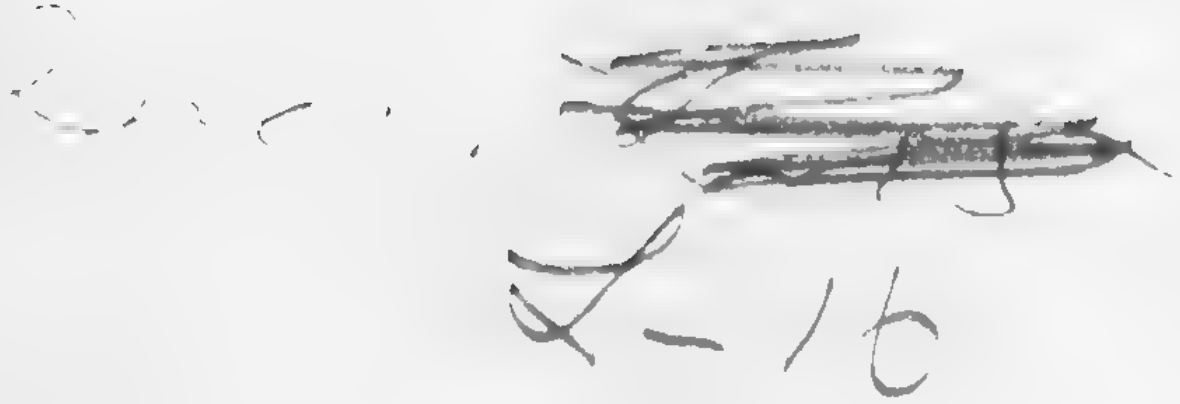
You are advised that the decision of the majority of the Commission to the Five Civilized Tribes of December 19, 1904, enrolling Valzie Vann et al. has been reversed by the Secretary of the Interior, and the application for the enrollment of the said Valzie Vann et al. has been rejected.

There is herewith inclosed a copy of the Secretary's letter, together with the opinion of the Attorney General.

Respectfully,

Incl. L-16.

Commissioner.



D1114

THE MATTER OF THE APPLICATION OF

Original Testimony 4/19/11

Notice of final Consideration 5/19/11

Cher D 1115

Cher D 1115

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 21 1901

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, IT., FEBRUARY 19th, 1901.

In the matter of the application of John A. Cash for enrollment as a citizen of the Cherokee Nation; said Cash being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A John A. Cash.
Q What is your age? A 23.
Q What is your post office? A Muskogee, Indian Territory.
Q What district do you live in? A Canadian district.
Q Are you a recognized citizen of the Cherokee Nation? A I suppose so.
Q By blood? A Yes, sir.
Q What was your mother's name? A Mary Ann Cash.
Q Is she living? A No, sir.
Q What is your father's name? A Joseph.
Q Is he living A Yes, sir.

Tribal Rolls of the Cherokee Nation examined and applicant's name found thereon as follows:
1896 Census Roll; page 14, #407, John Cash, Canadian District.

Q How long have you been living in the Cherokee Nation, John?
A About ten years.
Q Where were you born? A Texas.
Q Did you live in Texas until ten years ago? A No, sir; I came here when I was about; I must to have been eight or ten years old.

JOSEPH F. CASH, being sworn and examined by Commissioner Needles testified as follows:

Q What is your name? A Joseph F. Cash.
Q What is your age? A Born in '51, makes 49.
Q What is your post office address? A Muskogee.
Q Do you know John A. Cash? A Yes, sir.
Q What is relation is he to you? A My son, supposed to be.
Q What was his mother's name? A Mary Ann Cash.
Q Is she a Cherokee citizen by blood? A Yes, sir.
Q Is she living? A No, sir.
How long has John A. Cash lived in the Cherokee Nation? A He was just a little small child at the time I was first here and his mother's health failed and we went to Texas and she died in Texas, and I suppose it has been about ten years when he came back.
Q Where was he born? A He was born in Texas.
Q When did Mary Ann Cash ~~xxxx~~ die? A I could not tell you exactly; it has been 13 or 14 years.

Com'r Needles:--The applicant presents a certified copy of an Act readmitting Eliza Wane to citizenship approved on the 6th of December, 1879 by D. W. Bushyhead, Principal Chief. Said certificate certifies that among others that one Mary Ann Cash was readmitted to all the rights and privileges of Cherokee citizenship on said date. Said certificate being certified to by E. W. Alberty, Assistant Secretary of the Cherokee Nation, under the seal of the Cherokee Nation.

Q In the certificate you present I find the name of Mary Ann Cash was she the mother of John A. Cash? A Yes, sir. She was his mother and Eliza Wane was her mother.
Q And the grand-mother of the applicant? A Yes, sir.
Q When did Mary Ann Cash, the mother of this child, John A. Cash, first come to the Cherokee Nation? A It was in '79.

Q They lived here at the time they were admitted? A Yes, sir.
Q How long did they live here before they moved away? A About two years.
Q This John A. Cash at that time was a minor? A Yes, he was probably two years old.
Q Where did Mary Ann Cash die? A She died in Texas.
Q Did she ever remove to the Cherokee Nation after she first went out? A No, she went out that time she never got back, her health failed her here.
Q This child, John A. Cash, lived with her in the State of Texas until about ten years ago? A Yes, sir; about ten, maybe eleven.
Q Has he been living here continuously since that time?
A Yes, sir.
Q What is his age? A He is about 23, he was born in '77 I think.
Q Is he married? A No, sir, but he has been away.

Com'r Needles:--The name of John A. Cash is found upon the census roll of 1896. For proof of his admission to citizenship see card No. 4034, case of Sam A. Cash, proof of citizenship being the same in the case of the applicant and of Sam A. Cash, his brother. Final judgment as to the enrollment of said John A. Cash will be suspended and his name will be placed upon a doubtful card.

---oooOOOooo---

J. O. Howson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Howson

Subscribed and sworn to before me this 20th day of February, 1901.

Commissioner

C 2111

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 28 1902

ACTING CHAIRMAN.

Supl.-C.D.#115.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 19, 1902.

SUPPLEMENTAL in the matter of the enrollment of JOHN A. CASH as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 28, 1902, that his application for the enrollment of himself as a citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902, and that on said date an opportunity would be given him to introduce any further testimony affecting his case. The applicant has this day, to-wit: the 19th of March, 1902, been called and fails to respond either in person or by attorney, and the case is deemed completed and will be reported to the commission for final decision based upon the evidence now of record.

---oooOOOooo---

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the proceedings had this day in the above application and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J O Rosson

Cherokee-D-1118

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John A. Cash as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on February 19, 1901, John A. Cash appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of himself as a citizen by blood of the Cherokee Nation.

The evidence shows that the said John A. Cash is the son of Mary Ann Cash, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation on December 6, 1879, and that the said John A. Cash was a minor at that date.

The said John A. Cash is identified on the 1896 Census Roll of the Cherokee Nation.

The evidence further shows that the said John A. Cash has resided in the Cherokee Nation about ten years next before the application for his enrollment, and that he was a resident of said nation at the date of the application herein.

It is, therefore, the opinion of this Commission that John A. Cash should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSON TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this SEP 20 1902

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON T. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1115.

Muskogee, Indian Territory, September 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of John A. Cash for the enrollment of himself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 117.

IN THE MATTER OF THE APPLICATION OF

Jno. N. Xander

FOR ENROLLMENT

Original testimony
Amended application - Feby 19/02
Notice of final consideration 3/19/02

Jno N Xander
#1225

Cher D 1116

Cher D 1116

A1116

FEB 19

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEBRUARY 19th, 1901.

IN THE MATTER OF THE APPLICATION OF Emma Godfrey for the enrollment of herself and child as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q Give me your name? A Emma Godfrey.
Q How old are you? A Seventeen.
Q What is your Postoffice address? A Muskogee.
Q What district do you live in? A Canadian.
Q Are you a recognized citizen of the Cherokee Nation?
A Yes, sir.
Q By blood or intermarriage? A By blood.
Q Whom do you want to enroll? A Just myself and my baby.
Q What is your baby's name? A Jeffey.
Q How old is he? A Nine months old.
Q What is your father's name? A William Drew.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Mary Thomas.
Q Is she living? A Yes, sir.
Q What was your name before you were married? A Drew.
Q Your mother's name was Mary Drew then, was it not? A Yes, sir.
Q Is your father a Cherokee by blood? A Yes, sir.
Q Is your mother? A No, sir.
Q Your father and mother are both living? A Yes, sir.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Charlie Godfrey.
Q Is he a citizen? A No, sir.
Q What is your mother's name now? A Thomas.
Q Has she separated from your father? A Yes, sir.

MARY THOMAS, being sworn and examined by Commissioner, T. B. Needles, testified as follows:
Q What is your name? A Mary Thomas.
Q How old are you? A Thirty eight years old.
Q Do you know Emma Godfrey? A Yes, sir.
Q What relation is she to you? A She's my daughter.
Q Who was her father? A William Drew.
Q Are you a Cherokee by blood? A No, sir.
Q Was William Drew a Cherokee citizen? A Yes, sir.
Q Were you ever legally married to William Drew? A We did not take out papers, as they all generally do, but we was married; the Cherokee judge married us.
Q When was that? A About eighteen years ago.
Q Have you any certificate of marriage? A No, sir.
Q Have you any proof that you were lawfully married to William Drew? A I don't know any one in the room here at all; I would have to go to Webbers Falls; I guess the people down there know.
Q Is William Drew, your former husband, living? A Yes, sir.
Q Did he have any middle name? A They always called him William Drew "Wm" I think he signed his name.
Q Do you know how old he is now? A About forty; some where in the forties.
Q You and he separated how long ago? A When she (Emma Godfrey) was about three years old.
Q Did you get a divorce? A He got one about six years afterwards; yes, sir.
Q Do you know what court he got the divorce in?
A Webbers Falls Court.

APPLICANT, EMMA GODFREY, RECALLED:
Q Have you any proof of birth of this child, Jeffey made out? A No, sir.

1896 Census Roll of citizens of the Cherokee Nation examined and the name of the applicant is found thereon as follows:
Page 19, #542, Emmer Drew, Canadian District.

1880 Authenticated Roll of citizens of the Cherokee Nation examined and the name of the applicant's father is found thereon as follows:
Page 13, #353, William Drew, Canadian District.

Com'r. T. B. Needles: The name of Emma Godfrey appears upon the census roll of 1896 as Emmer Drew, her maiden name; she avers that she is the child of William Drew, a Cherokee citizen by blood, whose name appears upon the authenticated roll of 1880, and Mary Drew, a non citizen; the applicant avers that she is now married to one, Charles Godfrey, a non citizen.

Now comes Mary Thomas and avers that she was the wife of William Drew and the mother of Emma Drew, but not satisfactory proof is made as to their marriage; she also avers that she was divorced from said William Drew, but no decree or proof of divorce is presented.

Said Emma Godfrey avers that she has one child, Jeffey Godfrey by her husband, Charles Godfrey, but she makes no proof of birth of said child; reference is made to the testimony taken in the case of William Drew, Card No. 6191.

Because of the fact that no satisfactory proof of marriage between William and Mary Drew is made and the further fact of the father and mother of the applicant being divorced and no satisfactory proof of divorce presented; and no proof of birth being made as to Jeffey, her child; final judgment as to the enrollment of Emma Godfrey and her child, Jeffey Godfrey will be suspended and their names will be placed upon a doubtful card, to await proof of marriage between the applicant's father and mother, or proof of divorce; also proof as to the birth of the child, Jeffey.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 19th day of February, A. D., 1901.

COMMISSIONER.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 27 1902
ACTING CHAIRMAN

Chero. D-1116.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 23, 1902.

In the matter of the application of Emma Godfrey for the enrollment of herself and child as citizens of the Cherokee Nation.

The applicant in this case was notified by registered letter June 7, 1902, that further evidence as to her residence in the Indian Territory should be introduced before the Commission on or before June 27, 1902.

W. S. Agnew, being sworn and examined by the Commission, testified as follows-

Q What is your name? A W. S. Agnew.
Q How old are you? A 60 years old.
Q What is your postoffice address? A Muskogee.
Q Are you acquainted with the applicant in this case, Emma Godfrey? A Yes sir.
Q How long have you known her? A I knew her when she was nothing but a child, just after she was born.
Q Where was she living when you first learned to know her? A They were living about Webbers Falls at that time.
Q In the Cherokee Nation? A Yes, sir.
Q Did you continue to see her and know her up until the present time? A Yes sir.
Q When was the last time you saw her? A I seen her every few days.
Q For how long had she been living in the immediate vicinity of your home? A She has been living near me since she married Mr. Godfrey three or four years.
Q Where was she living prior to that before she married him? A Ten miles below here, she used to go to school in Canadian District.
Q Do you know of your own knowledge that she has been making her home in the Indian Territory continuously since her birth? A Yes sir.
Q Have you ever heard that she ever moved from the limits of the territory? A Never heard of it.
Q Did you know her parents? A Yes sir.
Q Had they always resided in the Indian Territory? A Yes sir, they lived for a good many years five miles below me, right at McLain.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

C. L. Whitehorn

Subscribed and sworn to before me this 26th day of June, 1902.

C. L. Whitehorn

Notary Public.

Cherokee D-1116.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Emma and Jeffie Godfrey as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on February 19,1901, Emma Godfrey appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of herself and her minor child, Jeffie Godfrey, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on June 23,1902.

The evidence in this case shows that the said Emma Godfrey was seventeen years old at the date of the application herein; that she is the child of William Drew, a Cherokee by blood, and Mary Drew, a white woman, and that the said William and Mary Drew were lawfully married on December 8,1883. The said William Drew is identified on the 1880 authenticated tribal roll of the Cherokee Nation as a native Cherokee. The said Emma Godfrey is identified on the Cherokee census roll of 1896 under the name of Emmer Drew, and as a Cherokee by blood. The said Jeffie Godfrey is shown to be the minor child of the said Emma Godfrey, and is identified by a birth affidavit on file with this Commission.

The evidence further shows that the said Emma Godfrey has resided in the Cherokee Nation all her life, and it is considered that the residence of the child, Jeffie, since birth, has been that of his mother.

It is, therefore, the opinion of this Commission that the said Emma Godfrey and Jeffie Godfrey should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress, approved June 28,1898 (30 Stats.,495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ENDD Tams Bixby
Acting Chairman.

T. B. Needles
Commissioner.

C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,

this NOV 12 1902

COMMISSIONERS
HENRY L. DAWES
JAMES BIRD
THOMAS B. NEELY
C. R. BRECKINRIDGE

ALLISON L. ASWELL
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 1116.

Muskogee, Indian Territory, November 17, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 12, 1902, granting the application of Emma Godfrey for the enrollment of herself and her minor child, Jeffie Godfrey, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

C. R. Breckinridge

Commissioner in Charge.
~~Acting Chairman.~~

Enclosure H. No. 10.

IN THE MATTER OF THE APPLICATION OF

Emma Godfrey dec'd

FOR LETTERS

A Original testimony

B Petition & application Feby 19/89

Certified copy, decree &c

Certified [illegible] record

E Birth certificate Effie Godfrey

Filed Feb 19 1889

Cher D 1117

Cher D 1117

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 23 1901

CHAIRMAN.

Depatment of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. February, 19th 1901.

In the matter of the application of Charles B. Reaves for the enrollment of himself and one child as Cherokee citizens. He being sworn by before Commissioner T. B. Needles, testified as follows-

Q What is your name? A. Charles B. Reaves.
Q How old are you? A. 34.
Q What is your post office address? A. Muskogee.
Q What district do you live in? A. I live in Muskogee now; my home is in Muskogee.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q By blood or intermarriage? A. By blood.
Q Who do you want to have enrolled? A. Myself and one child.
Q Is your wife alive? A. No sir.
Q What is the name of that child? A. Effie M.
Q How old? A. 11.
Q What was your wifes name? A. Ella Whitley before I married her.
Q Was she a Cherokee citizen by blood? A. No sir.
Q Have you any proof of marriage? A. Only a man here in town who saw me married.
Q Who married you? A. Mr Sparks.
Q Is he living? A. Yes sir. I think so.
Q What proof have you of your citizenship—were you ever admitted to citizenship? A. We thought we was.
Q Have you a certificate of admission? A. No sir.
Q Did you apply to the Cherokee Council? A. Yes sir.
Q Did you apply to the Daves Commission in 1896? A. I dont remember—no we never applied—no we thought we was all right.

Upon an examination of the 1896 census roll of the Cherokee Nation, page 63, #1686, appears the name of Charles Reaves in Canadian district. On page 63, #1697 appears the name of Effie Reaves in Canadian district.

Q Your wife Ella is not living? A. No sir.
Q How long have you lived in the Cherokee Nation? A. Ten years.
Q Where did you live before that? A. In Texas.
Q Born and raised in Texas? A. Yes sir.
Q Where was your child born? A. In the Cherokee Nation.

By Com'r Needles,-

The name of Charles B Reaves is not found on the roll of 1880, but is found on the census roll of 1896, and the name of his child Effie M. is also found on the census roll of 1896. He avers that he was married to one Ella Whitley a noncitizen, but presents no satisfactory proof of his marriage to her, and no satisfactory proof of his citizenship, consequently final judgment as to his enrollment and of the enrollment of his child, Effie M. will be suspended and their names will be placed on a doubtful card awaiting proof of admission to Cherokee citizenship and proof of marriage to his wife Ella Whitley now deceased.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that theforegoing is a full, true and correct transcript of his stenographic notes thereon.

Subscribes and sworn to before me this 21st of February 1901.

Commissioner.

CHOKTAW 117

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 28 1902

ACTING CHAIRMAN

Supl.-C.D.#1117.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T.? March 19, 1902.

SUPPLEMENTAL in the matter of the enrollment of CHARLES B. REAVES, ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 28, 1902, that his application for the enrollment of himself, et al., as citizens of the Cherokee Nation would be taken up by the Commission for final consideration at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902, and that on said date he would be given an opportunity to appear before the Commission and offer any additional testimony affecting his application. Receipt has been acknowledged of Commission's letter. The applicant has this day, to-wit: the 19th day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---oooOOOooo---

I, J. O: Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes, that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

To be filed in Cher. D-1117.

(Chero. D-1074.)

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 23, 1902.

In the matter of the application of John A. Reeves et al. for enrollment as Cherokee citizens, D-1074.
In the matter of the application of Charles B. Reeves et al. for enrollment as Cherokee citizens, D-1117.
In the matter of the application of Mollie E. Parr et al. for enrollment as Cherokee citizens, D-1076.

Merriam Haltom, being sworn and examined by the Commission, testified as follows:
Q What is your name? A Merriam Haltom.
Q What is your postoffice address? A Muskogee.
Q Are you acquainted with the applicant in this case, John A. Reeves and Martha Reeves? A Yes sir.
Q How long have you known them? A I have known Mrs. Reeves since '78 and Mr. Reeves all my life.
Q Do you know when they were married? A Yes sir.
Q When? A They were married a year or two before '72; I dont know how long, may be two or three years.
Q Did you see them married? A No sir.
Q How long after the marriage when you first saw them? A They had one child about eight months old.
Q When you saw them the first time? A When I saw them together; I saw Mr. Reeves and his father-in-law a year before that together.
Q Have they been living together continuously since that time? A Yes sir.
Q Are they living together now? A Yes sir.
Q Are they generally recognized throughout the community as man and wife? A Yes sir.
Q Do you know Charles B. Reeves? A Yes sir.
Q Do you know Mollie E. Parr? A Yes sir.
Q Are they the children of John A. Reeves by his wife Martha? A Mollie is.
Q Is Charley by a different wife? A Yes sir, first wife.
Q What was his first wife's name? A Burkes.
Q Was she a white woman? A As near as I know she was.
Q She wasn't of Cherokee blood? A No sir, never claimed to be.
Q Do you know when he was married to his first wife? A No sir, I don't know exactly when. It was in the 60s somewhere I think. It was in the '60s, I don't know what date.
Q Did you know them living together as man and wife, Mr. Reeves and his first wife? A Yes sir.
Q Did you ever visit them while they were living together as man and wife? A No sir.
Q Were they recognized in the community as husband and wife? A Yes sir.

Alex Jordan, being sworn and examined by the Commission, testified as follows:
Q What is your name? A Alex Jordan.
Q How old are you? A I am 65 years old, going on 66.
Q What is your postoffice address? A Muskogee.
Q Do you know John A. Reeves, the applicant in this case? A Yes sir.
Q How long have you known him? A I have knowed him ever since I knowed anybody, he is a neighbor of mine. I am about five or six years older than he is.
Q How long have you known his wife? A Why his present wife I have known her I reckon ever since '66 or '67, I don't recollect exactly.
Q You know when they were married? A No sir, I do not; they were married about 60 miles below where I lived and they were married- I think they were married about six or seven months when

they came to where I lived; his mother lived close to me; that was the first time I ever saw her, that was his present wife.
Q About how long ago was that? A They must have been married about '65 or '66, about '66 I think.
Q His first wife? A I mean his present wife; his present wife I expect they were married some time in '66 or '67, I don't recollect the date.
Q How long have you known them to live together as man and wife?
A You see there was a space of ten or twelve years, a space of about eight orten years I wasn't close to them; I come to this country and left them in Texas.
Q When you left Texas were they living together as man and wife?
A Yes sir.
Q Were they living together as man and wife when you saw them next in the territory the first time? A Yes sir, they had been here fifteen years.
Q And since that time had they always been living together as man and wife? A Yes sir.
Q Did you know Mr. Reeves' first wife? A Yes sir.
Q Do you know whether or not he was married to her? A I didn't see them married but I am satisfied they were married.
Q Did you see them living together as man and wife? A Yes sir, until she died.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

D. F. Rothenberger

Subscribed and sworn to before me this 26thday of June, 1903.

Notary Public.

DEPARTMENT OF INDIAN EDUCATION,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUL 10 1902

ACTING CHAIRMAN

IN THE MATTER OF THE APPLICATION OF

Charles A Reaves et al

CLE

A Original testimony Feby 19/01

B Memo of application Feby 19/01

C Notice of final consideration 3/19/02

Cher D 1118

Cher D 1118

DEPARTMENT OF THE
SION TO THE FIVE
FILED
FEB 25 190

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. February, 19th 1901.

In the matter of the application of James Lyman for the enrollment of himself and wife as Cherokee citizens. He being sworn before Commissioner T. B. Needles, testified as follows—

Q What is your name? A. James Lyman.
Q What is your age A. Between 40 and 45.
Q What is your post office address? A. Woodies, I. T.
Q What district do you live in? A. Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q By blood? A. Yes sir.
Q Who do you desire to have enrolled? A. Myself and wife.
Q What is her name? A. Parmelia A. Shelton.
Q How old is she? A. 30.
Q Is she a recognized Cherokee citizen by blood? A. No sir intermarried
Q When did you marry her? A. 1890.
Q Have you a certificate of marriage? A. Yes sir.

The applicant presents a certificate of marriage, certifying that he was married on the 4th day of May 1890 in Mille r County Missouri to one Parmelia E. Shelton according to the laws of Missouri.

Q Is your name on the roll of 1880? A. No sir.
Q Do you know why? A. I was working on the Frisco Railway and I didnt come down to enroll— I either had to loose my joy or ten dollars so I didnt come.
Q Where was your born? A. In Tahlequah district.
Q What degree of Cherokee blood do you claim? A. One half.
Q What is your mother's name? A. Polly.
Q Is she living? A. No sir.
Q What is your ftaher's name? A. Patrick.
Q Is he living? A. No sir.
Q Is he a white man? A. Yes sir.
Q Why is your name not on the census roll of 1896? A. I was working on the Railway in the Choctaw Nation .
Q You got your Strip money afterwards? A. Yes sir.
Q Not on the regular Strip roll? A. No sir.

Applicant presents a certificate signed by B. W. Alberty, Assist nt Secretary of theCherokee Nation and under the seal of the Cherokee Nation, certifying that James Lymana native Cherokee and Parmelia his wife, an adopted white are to be found on the census roll of Delaware District Cherok e Nation taken in 1890.

Applicant also presents a certificate certifying that James Lyman, the applicant, drew $265.70, being money due him on what was known as the "Strip Payment" Said certificate being signed by B. W. Alberty, Assistant Executive Secretary of the Cherokee Nation, under the seal of the Nation.

Applicant also presents a certificate from B. W. Alberty, as Assistant Secretary of the Cherokee Nation under the seal of the Nation, certifying that he has examined the rolls of citizens of Going snake District and that he is unable to fine the ~~xxxx~~census roll of 1875 taken in accordance with an appropriation act dated November 19th 1874.

DANIEL WOODALL being called and sworn, testified as follows—

Q What is your name? A. Daniel Woodall
Q What is your age? A. 54.
Q What is your post office? A. Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q By blood? A. Yes sir.
~~Q Do you know Jam~~

Q Do you know James Lyman? A. Yes sir.
Q What do you know as to his Cherokee citizenship? A. I knew his mother.
Q How long have you knows James Lyman? A Since we were boys together.
Q What was her name? A. Polly.
Q Was she a Cherokee Indian? A. Yes sir full blood.
Q When did she die? A. I dont remember.
Q Before 1880? A. I think so.
Q Do you know James Lyman here to be her son? A. Yes sir.
Q Where was he born? A. In Tahlequah district, close to where I live
Q Has he always lived in the Cherokee Nation? A. Yes sir, except when he was out working.
Q Was he considered by the Cherokee citizens as a Cherokee citizen ?
A Yes sir.
Q What degree of blood was he? A. One half.

THOMAS HENDRICKS, called and sworn as a witness, testified as follows-

Q What is your name? A. Thomas Hendricks.
Q What is your age? A. 61
Q What is your post office address? A. Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q By blood? A. Yes sir.
Q What degree of Cherokee blood have you? A. One half.
Q Do you know James Lyman? A. Yes sir.
Q How long have you known him? A. Knew him before the war.
Q Did you know his mother? A. Yes sir.
Q What is her name? A. Polly was her first name---dont know her maiden name.
Q Was she a Cherokee citizen by blood? A. Yes sir.
Q What degree of blood? A. Full blood.
Q Do you know his father? A. Yes sir.
Q Was he a white man? A. An Irishman that is what he was.
Q Do you know the reason why James Lyman's name is not on the roll of 1880? A. No sir I don't know.
Q You have known him all his life have you? A. Yes sir.
Q Has he always been considered by the people as a citizen of the Cherokee Nation? A. Yes sir. The District Court appointed a guardian for him and he was carried off up into Going Snake District, and lived there until he was grown'
Q Do you know his wife now[illegible]? A. No sir.

By Commission of Applicant-

Q Is your wife alive now? A. Yes sir.
Q Is she your first wif ? A. Yes sir.
Q Are you her first husband? A. Yes sir.
Q Have you always lived with her continuoust since your marriage?
A Yes sir
Q Never have been seperated? A. No sir.
Q Have you any children? A. No sir lost them all.
Q Have you always exercised the rights of Cherokee citizenship? A. Yes sir.
Q Voted? A. Yes sir.
Q Ever held office? A. No sir never dabbles in politics.
Q Do you own any property in the Cherokee Nation? A. Always have owned property
Q Has your citizenship ever been disputed? A. No sir.
Q Did you ever apply to the Cherokee authorities to be admitted as a Cherokee citizen? A. No sir, only just applied for that Strip money
Q Did you apply to the Dawes Commission in 1896? A. No sir.
Q You always considered yourself as a Cherokee citizen? A. Yes sir.

Q Never thought there was any doubt about it? A. No sir never did.
Q How long had you been out of the Nation at the time the 1880 roll was made? A. I was in in the first part of 1880, and then I went to work on the Railroad from Saligman to Fort Smith when they were building it.
Q Then you never have absolutely lived outside of the Cherokee Nation? A. No sir.
Q Do you own a farm in the Cherokee Nation? A. Yes sir.

By Com'r Needles,-

The name of James Lyman is not found on the 1880, 1896 or 1894 rolls, but he presents satisfactory proof of marriage to one Parmelia A. Shelton, a non citizen in the year 1890 and he also presents satisfactory proof of having drawn what is known as Strip money in 1894, which is deemed sufficient at this time to give the Commission jurisdiction in his case. By reason of the fact that he is not on any roll the application for himself as a Cherokee citizen by blood and for his wife as a Cherokee citizen by intermarriage will be taken under advisement and judgment will be suspended for the present and his name placed on a doubtful card.

= =

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Chas von Weise

Subscribed and sworn to before me this the 21st of February, 1901.

Commissioner.

D. 1118.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 19, 1902.

In the matter of the application of James Lyman for the enrollment of himself and wife as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 28, 1902, that his application for the enrollment of himself and wife as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902. The applicant this day, to wit the 19th day of March, 1902, appears in person.

JAMES LYMAN, the applicant, being duly sworn, testified as follows:

COMMISSION: What is your name? A James Lyman.
Q How old are you? A I am about forty-five as near as I can come at it, I don't know.
Q What is your postoffice address? A Moody.
Q You have heretofore applied to this Commission for the enrollment of yourself and wife as citizens of the Cherokee Nation? A Ye , sir.
Q You were requested to furnish the Commission with evidence of your marriage to your wife, haveyou that with you? A Yes, sir.
Q Let me have it please? (Produces papers.)

There is offered in evidence by the applicant a marriage certificate showing that James Lyman and Permelia E.Shelton were united in matrimony by W. D. Burris on the 5th day of May, 1890, in the presence of L. N. Musser and Lucy M. Bacon. The same is filed herewith and made a part of the record.

JOHN LYMAN, being first duly sworn, testified as follows:

COMMISSION: What is your name? A John Lyman.
Q How old are you? A 58.
Q What is your postoffice address? A Tahlequah.
Q Are you acquainted with James Lyman, the applicant in this case?
A Yes, sir.
Q How long have you known him? A Well, I have been knowing him ever since he was born.
Q Where was he born? A He was born in Tahlequah District.
Q Cherokee ation? A Cherokee Nation.
Q Has he always made his home in the Cherokee Nation? A Yes, sir, he made his home in there all the time.
Q Has he ever lived outside of the Cherokee Nation? A No, sir.
Q Is your name on the roll of 1880? A On all the rolls.
Q Where was your brother living at that time? A 1880?
Q Yes, sir. A He was up here at Duckworth.
Q In the Cherkee Nation? A Yes, sir.
Q Do you know why your brother's name is not on the roll of 1880?
A His name?
Q Yes, sir. A 1880, I got one brother, or brothers of his, and one sister on that roll, there wasn't but three of us.
Q Well, do you know why this man is not on that roll? A He was young.
Q With whom was he living at that time? A Living at Duckworth at that time.
Q His father and mother died before the roll of 1880 was made?
A Yes, sir, they was all orphans then.
Q Have you ever heard your brother's rights to enrollment as a citizen of the Cherokee Nation disputed? A No, sir.

MR. HASTINGS, of counsel for the Cherokee Nation: When did he go up to Duckworth's? A I don't remember now.
Q Do you know what year it was? A No, sir, I don't.
Q Do you know how long ago 1880 was? A 1880, that's been--no, I can't remember.
Q You don't know? A No, sir, can't remember.
Q Well, did he grow up to manhood in Tahlequah? A He was a young man then.
Q Then he went off to Duckworth's? A He went to Duckworth, and he stayed at Duckworth's, he was his guardian, he got to be a grown man there.
Q Well, he was grown in 1880? A He went to school there.
Q Well, his certificate of marriage shows that he was married up in Missouri, what was he doing up there? A He went there and come back again, he didn't make his home in Missouri.
Q Well, how long was he gone from Tahlequah District? A He was gone from Tahlequah District, he was in Goingsnake, and I don't remember how long it was.
Q Well, how long has he been back here? A Eight or ten years.
Q He was gone some ten or fifteen years from your neighborhood?
A Yes, sir, from my neighborhood, he was in Goingsnake then.
Q Did you ever see him up in Goingsnake? A Yes, sir, he went to Duckworth, and I seen him there.
Q How long did he stay at Duckworth's? A I don't remember how long he stayed with him.
Q Well, did he stay with him after he got grown, after he was a grown man? A Yes, sir, after he got grown, he stayed with him until he got grown, and then he went for himself.
Q Then he left Duckworth's after he got grown? A Yes, sir.
Q Well, then, he left Duckworth's about '80, or somewhere near that, because he gives his age as forty or forth-five when he applied?
A Yes, sir. (Of applicant)
Q You were married in Missouri in '90? A '90.
Q Your wife's a white woman? A Yes, sir.
Q Where did you get acquainted? A Up there in Missouri.
Q Near what town? A Why near Tuskingo.
Q Near what big place is that? A Well, it is not near any big place.
Q How far from Kansas City? A Why it is about forty miles from Sedalia.
Q What was you doing up there? A I as working for the railroad company; I was on the preliminary survey through there.
Q Did you have any children by this woman? A Yes, sir, three.
Q Any of them born up there? A No, sir, they are all dead now.
Q Well, was any of them born up there? A No, sir.
Q All born in the Cherokee Nation? A Yes, sir.
Q How long was it after you married this woman till you come back to the Cherokee Nation? A Let's see, I went up there from Goingsnake on Saturday, let's see, I left Thursday and I got there Saturday, and left Sunday and come back Tuesday.
Q Well, then according to your statement you have never been out of the Cherokee Nation for any length of time? A No, sir.
Q Have you ever been out for more than two or three months at any one time? A Yes, sir, I have been out as much as six months.
Q Any more than six months? A Well, probably six or seven months.
Q Where? A Why I was on that Frisco road down here, on the Choctaw railroad, and all around.
Q This man a full brother of yours, John? A Yes, sir.
Q Same father and same mother? A Same father and mother, both raised under the same conditions and everything.
COMMISSION: Is there any statement you desire to make relative

to your case? A Well, I don't see that there is——
Q You submit it to the Commission for final decision do you? A Yes, sir.

The applicant and the representatives of the Cherokee Nation present submit the case, the same is deemed completed, and will be reported to the Commission for final decision based upon the evidence now of record.

I, Arthur G. Groninger, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Arthur G. Groninger

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
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ACTING CHAIRMAN

Cherokee D 1118.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 16, 1902.

In the matter of the application of James Lyman for the enrollment of himself as a citizen by blood, and for the enrollment of his wife, Parmelia E. Lyman, as a citizen by intermarriage, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

PARMELIA E. LYMAN, being sworn, testified as follows:

By the Commission,

Q What is your name? A Parmelia E. Lyman.
Q How old are you? A Thirty-two.
Q What is your postoffice? A Moodys, I. T.
Q Are you a white woman? A Yes, sir.
Q You are claiming then as a citizen by intermarriage, are you?
A Yes, sir.
Q What is your husband's name? A James Lyman.
Q Is he a Cherokee by blood? A Yes, sir.
Q How long has he been living in the Cherokee Nation? A All his life, off and on, I suppose. I don't know, he was raised here, I suppose he has been living here.
Q Is he your first husband? A Yes, sir.
Q Are you his first wife? A Yes, sir.
Q When were you married to him? A In '90.
Q Have you and your husband been living together in the Cherokee Nation since 1890 all the time up to this time? A Yes, we have been living here, but we have been away on trips several times.
Q You and your husband have never been separated? A No, sir.
Q Has your home always been in the Cherokee Nation since 1890?
A Yes, sir.
Q You and your husband living together now? A Yes, sir.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 11th day of November, 1902.

B O Jones
Notary Public.

Muskogee, Okla.,

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James Lyman for the enrollment of himself as a citizen by blood of the Cherokee Nation, and for the enrollment of his wife, Pamelia E. Lyman, as a citizen by intermarriage of the Cherokee Nation.

O P I N I O N.

The record in this case shows that on February 21, 1901, James Lyman appeared before the Commission in person, and by attorney, and made application for identification of himself as a citizen by blood of the Cherokee Nation, and for the enrollment of his wife, Pamelia E. Lyman, as a citizen by intermarriage of the Cherokee Nation. Testimony was taken in the matter of said application at Tahlequah, Indian Territory, on March 19, 1901, and closed on March 21, 1901.

The evidence shows that the said James Lyman is a Cherokee by blood; that on his lawfully married wife, Pamelia E. Lyman, and that by act of the Cherokee National Council, approved [illegible], 1898, a warrant for the payment to the said James Lyman of the sum of [illegible], sixty-five and seventy hundredths dollars as his distributive share of the funds of the Cherokee Nation. An examination of the Cherokee census roll of 1880 discloses the name of James Lyman as a native Cherokee, and the name of Pamelia E. Lyman as a white.

The evidence further shows that James Lyman has lived in the Cherokee Nation all his life and that his wife, Pamelia E. Lyman, has lived with him in said Nation since [illegible] and is now living there with him.

It is, therefore, the opinion of this Commission that James Lyman should be enrolled as a citizen by blood of the Cherokee Nation, and that Pamelia E. Lyman should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30

-5-

Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Acting Chairman.

(SIGNED). T. B. Needles.
Commissioner.

(SIGNED). C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,

this FEB -1 1903

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-1118

Muskogee, Indian Territory, February 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of James Lyman for the enrollment of himself as a citizen by blood, and for the enrollment of his wife, Parmelia E. Lyman, as a citizen by intermarriage, of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. M-1123

IN THE MATTER OF THE APPLICATION

James Lynn et al

FOR ENROLLMENT AS

CHEROKEE

A Original Testimony 1/9/1901

B Motion to Dismiss 1/9/1901

C Certified Copy of Delaware Dist Census Roll

" " " " Act of Cherokee Council

" " " Cherokee Dist Census Roll

Notice of final consideration 3/9/10

Marriage affd

Copy test & order Commutes 3/10/02

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DEPARTMENT OF THE I
COMMISSION TO THE FIVE CIVILIZED TRIBES
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DOUBTFUL.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEBUARY 20th, 1901.

IN THE MATTER OF THE APPLICATION OF Martha Swift for enrollment as a citizen of the Cherokee nation, and she being sworn and examined by ~~them~~ Commissioner, T. B. Needles testified as follows:

Q What is your name? A Martha Swift.
Q Any middle name? A No, sir.
Q What is your age? A Fifty two.
Q What is your Postoffice address? A Gerard, Kansas.
Q Do you reside in the State of Kansas? A yes, sir.
Q For whom do you apply for enrollment? A Myself.
Q Any one else? A No, sir.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood or intermarriage? A BY blood.
Q Is your name on the roll of 1880? A No, sir.
Q Does your name appear on any of the rolls of the Cherokee nation?
A In 1888 I believe it was I was readmitted.
Q Have you any papers there? A yes, sir; I have a copy of my certificate; it has disappeared some way and I can not get hold of it just at present.

Com'r. T. B. Needles: The applicant presents a certified copy of a certificate of admission to Cherokee citizenship, dated at the office of the Commission on Citizenship, Tahlequah, April 26th, 1887, signed by J. T. Adair, Chairman of the Commission, John E. Gunter, Commissioner and D. W. Lipe, Commissioner; approved and endorsed by W. H. Mayes, Executive Secretary of the Cherokee Nation, under the great seal of the Cherokee nation, certifying that among others, one Martha Swift, of Gerard, Kansas was admitted to Cherokee citizenship on the 19th day of April, 1887.

Q In the paper you present Mrs. Swift, I find the name of Martha Swift; age twenty nine: Are you the identical Martha Swift mentioned in this certificate? A yes, sir.
Q How long have you lived in the Cherokee nation? A I was born here and went away in 1863 and married in Kansas and I have been there more or less ever since.
Q You have not had a residence in the Cherokee Nation since 1863?
A No, sir; I have not.

1896 Census Roll of citizens of the Cherokee nation examined and the name of the applicants is found thereon as follows:
Page 70, #1928, Martha Swift, Canadian District.

Com'r. T. B. Needles: The name of the applicant is found upon the census roll of 1896; she presents satisfactory proof of her admission to Cherokee citizenship, more particularly described in the testimony. From the fact that the testimony shows that she has not been a resident of the Cherokee nation since 1863, final judgment as to the enrollment of the said Martha Swift will be suspended and her name will be placed on a doubtful card.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 20th day of February, 1901.

COMMISSIONER.

R.

C. D-1119.

Department of the I nterior.
Commission to the Five Civilized Tribes.
Muskogee, I.T., March 22, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Martha Swift for the enrollment of herself as a citizen of the Cherokee Nation.

Appearances:
J. M. Givens, attorney for applicant.
W. W. Hastings, attorney for Cherokee Nation.

The applicant was notified by registered letter February 28, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 19th day of March, 1902. On said date the applicant appeared by her attorney J. M. Givens, and by agreement the case was continued until the 22nd day of March, 1902. The same being this date, to-wit: the 22nd day of March, 1902, the applicant appears in person and by her attorney, J. M. Givens, Muskogee, I. T.

It is directed that a copy of the certificate of re-admission filed in the case of Frank T. Swift, Cherokee No. D-228, be filed with and made a part of the record in this case.
The certificate of re-admission is as follows:

Exhibit "A".

Martha Swift.

Office Commission on Citizenship.
Tahlequah, C. . ,April 26" 1887.

Docket,	No. Family		Age	Sex	Attorney.
	1	Martha Swift,	39	Female	Girard,Kansas.
	2	Frank T. Swift	20	Male	
112	3	Ben W. Swift,	19	Male	
	4	James F.Swift,	17	Male	Applicant for Cherokee citizenship.
		vs.			
		Cherokee Nation, Filed April 16th, 1887.			Rolls of 1835. Ancestor. Polly Sanders/

Now on this the 19th day of April, comes the above named case for final hearing, and having made application pursuant to the provisions of an "Act" of the National Council approved December 8th, 1886, and all the evidence being duly considered and found to be sufficient and satisfactory to the Commission, it is adjudged and determined by the Commission that Martha Swift, Frank T. Swift, Benj. W. Swift, James F. Swift, are Cherokee by blood and they are hereby re-admitted to all the rights, privileges and immunities of Cherokee citi zens by blood.
And a certificate of said decision of the Commission and of re-admission was made and furnished said parties accordingly.

J. T. Adair, Chairman of Commission,
John E. Gunter, Commissioner,
D. W. Lipe, Commissioner.

C. C. Lipe,
Clerk Commission.

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COMMISSIONER OF PATENTS AND TRADEMARKS

I, W. H. Mayes, Asst. Executive Secretary, do hereby certify that the above is a true and correct copy of page 113, docket of Commission on Citizenship, Book "A" of 1887.
This the 30th day of November, 1897.

W. H. Mayes,
Asst. Executive Secretary.

(Seal)

CERTIFICATE OF ADMISSION TO CHEROKEE CITIZENSHIP.

OFFICE OF COMMISSION ON CITIZENSHIP.

TAHLEQUAH, CHEROKEE NATION.

TO WHOM IT MAY CONCERN-- GREETING:

THIS IS TO CERTIFY That the following named, to-wit: Martha Swift, female, age 39 years, Frank T. Swift, male, age 20 years, Benjamin F. Swift, male, age 19 years and James F. Swift, make, age 17 years, did, pursuant to the provisions of an act of the National Council of the Cherokee Nation, approved December 8th, 1886, entitled, "An Act providing for the appointment of a Commission to try, and determine, applications for Cherokee Citizenship," make such application to and before said "Commission" on the 19th day of April, 1887; that the proof submitted by the above named Martha Swift in support of her said application has been found, and is hereby declared and certified to be, sufficient and satisfactory to the said Commission, according to the requirements of section seventh of said act of the National Council, and that by virtue of such finding of fact by the Commission, and in conformity with the Fourteenth section of said act, the above named parties (applicants for citizenship) are, from this the date of said finding and decision of the Commission as announced and recorded, re-admitted by the National Council, as provided in said fourteen section, to the rights and privileges of Cherokee citizenship, under section 2, Art. 1 of the Constitution of the Cherokee Nation; and this certificate of the said decision of the Commission, and of re-admission by Council, is made and furnished to the said parties accordingly.

IN WITNESS WHEREOF, I hereunto sign my name, as Chairman of the Commission, this the nineteenth day of April , 1887.

(Signed) J. T. ADAIR,
Chairman Com. on Citizenship.

ATTEST:

(SEAL OF THE CHEROKEE NATION.)

(Signed) Henry Eiffert,
Clerk Commission on Citizenship.

Approved and endorsed:

(Signed) D. W. BUSHYHEAD,
Principal Chief.

R. O. TRENT,
Asst. Ex. Secy. C. N.

MARTHA SWIFT, being first duly sworn, and being examined, testified as follows:

MR? GIVENS: State your name. A Martha Swift.
Q What is your post office address? A Girard, Kansas.

Q Do you own a farm and improvements on land in the Cherokee Indian Nation? A Yes sir.
Q Where is the farm located?
A Twelve miles southeast of Muskogee.
Q How long have you owned this farm? A About five years, I think.
Q Who has been in charge of this farm for you?
A My son, Frank T. Swift.
Q Have you ever abandoned your residence in the Cherokee Nation?
A No sir.

MR. HASTINGS: I object to the question. I think it is a question of law for the Commission to decide.

MR. GIVENS: How often have you been in the Cherokee Nation since you were re-admitted to citizenship?
A About twice a year in the last fifteen years. On an average twice a year .
Q For what purpose did you make these semi-annual visits to the Indian Territory?
A To see how my son is getting along with this work here and visit them, and retain my relationship with the Territory, and of course with the Cherokee Nation.
Q Why were you away in the State of Kansas?
A My husband's business was there, and of course I had to remain with him until he was willing to come with me. We have always intended to come, but he has been occupied there in business, and wanted me to be with him.
Q Was your residencein the State of Kansas a temporary residence or a permanent residence?
A It was temporary. I have always feltit so. I consider this my home, and never abandoned my intention of coming back.
Q Were you born in the Indian Tertitory? A Yes sir.
Q In the Cherokee Nation? A Yes sir.
Q In your answer to a question which asked you by the Commission on the 20th day of February, 1901, when there was a former hearing in the matter of your application for enrollment, I note that you were asked this question: You have had a residence in the Cherokee Nation since 1863. And that your answer was, No sir, I have not. What did you mean by that?
A I meant that I had not resided here, of course, because I hadno permanent residence here. But I had some property here. . My son took up some land for me with his own, and he has raised some cattle for me.
Q You return to visit your son and look after your landed property about twice each year?
A Yes sir, it has averaged that, about, since he has been here, for fifteen years since I first came back.
Q Where did you regard your home, in the Cherokee Nation or Kansas?
A In the Cherokee Nation .
Q Your husband, you stated, was engaged in busines in Girard, Kansas
A Yes sir, and other places in Kansas.
Q He would not return with you at the time?
A No, of curse that has always been our intention, but he had better employment there than here, and of course as long as he is able to work he has worked athis trade.. It has always been the understanding that some future time we would return.

MR. HASTINGS: What does your husband do A He is a printer.
Q Working at the trade there? A Yes sir.
Q Own your own home there? A He owns a house and lot, yes sir.
Q How long have you lived there? A Been in Girard 18 years.
Q You never have lived here? A Not since I was a child.
Q Not since you were admitted? A No.
Q You live up there now? A Yes sir.
Q Get your mail there? A Yes sir.
Q How far is Girard, Kansas, from the Cherokee line?

A I don't know, about forty miles, I think.
Q You come down here oncoor twice a year to visit your son, and look after the property interests you have here? A Yes sir.
Q Then you go back up there? A Yes sir.
Q Your husband is up there, and has his property there? A Yes sir
Q He exercises the rights of citizenship up there? A Yes sir.
Q Votes and participates in the elections? A Yes sir.

FRANK T. SWIFT: being first duly sworn, and being examined, testified as follows:

MR? GIVENS: Whatis your name. A Frank T. Swift.
Q Your age and residence? A Thirty-five years, live in Muskogee.
Q Are you a recognised citizen of the Cherokee Nation?
A Have been since 1886. I lived there before that. I think it was 1886.
Q You have a certificate of re-admission? A Yes sir.
Q Are you acquainted with the applicant, Mrs. Martha Swift, who has just testified? A Yes sir.
Q What relation is she to you? A My mother.
Q Are you holding any lands for the applicant, your mother?
A Yes sir.
Q Whare are thoselands situated?
A About twelve miles south of here
Q In the Cherokee Nation? A Yes sir, Canadian District.
Q How long have you held this land for her?
A Ever since I first bought the place, about five years ago , if not a little over.
Q Is this land improved or unimproved?
A Partly improved andpartly unimproved. Some of it is pasture, some in hay and grain, and some farming.
Q Has the applicant, Mrs. Swift, any stock on this farm?
A Yes sir, four or five head, belong to my mother.
Q Do you know of her visits to the Indian Territory? A Yes sir.
Q Within the last five or ten years, how fequently has she visited the Indian Territory, to your knowledge?
A Twice or three times a year. Neverpaid much attention to it, though. She came down there every once in a while, whenever I want her, and whenever she wants to.
Q Do you know whether or not she regared the Cherokee Nation as her home? A Yes, always talked to me like she did, ever since I was a kid.
Q Were you in good faith holding the land as her agent? A Yes sir

MR. HASTINGS: In whose name were they purchased? A Mine. I bought it myself of Cravens.
Q Is it in your name? A Yes sir.
Q Not in hers? A No. When I bought it I just simply put a few acres in improvements for her.
Q You inclosed the ground you intended to give your mother?
A Yes sir.
Q That is the idea? A Yes sir.

The attorney for the applicant and the representative of the Cherokee Nation present submit the case,same is deemed completed and will be reported to the Commission for final decision based upon the evidencenow of record.

The attorney for the applicant requests and will be granted fifteen days in which to file brief in this case, one copy with the Commission, andone copy with the representative of the Cherokee Nation.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in thiscase, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Cherokee D 1119.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Martha Swift for enrollment as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

---oOo---

The record in this case shows that on February 20, 1901, Martha Swift appeared before the Commission at Muskogee, Indian Territory, and made personal application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 22, 1902.

The evidence shows that the said Martha Swift was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, on April 19, 1887. She is identified on the 1896 Census roll of the Cherokee Nation.

The evidence further shows that the said Martha Swift has resided in the State of Kansas ever since 1863; that she was not a resident of the Cherokee Nation or Indian Territory on June 28, 1898, nor was she a resident of said Nation or Territory at the date of the application herein.

Paragraph 9 of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship;"

It is, therefore, the opinion of this Commission that the application for the enrollment of Martha Swift as a citizen by blood of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this _____

Cherokee D 1119.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Martha Swift for enrollment as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on February 20, 1901, Martha Swift appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 22, 1902. The record further shows that on July 29, 1902, the Commission rendered its decision denying said application and forwarded the same to the Department of the Interior, which decision was approved by the Department August 29, 1902; that on March 12, 1903, a motion was filed in behalf of the applicant to reopen said case; and on May 1, 1903, the Department rescinded its former action in the matter of said application and remanded said case to the Commission for readjudication.

The evidence further shows that about the year 1863 the applicant removed from the Cherokee Nation to the State of Kansas, and married; that she never afterwards returned to the Cherokee Nation to live, but continued to reside with her husband in Kansas from the time of her marriage up to and including the date of her application herein; that during their residence in said state she and her husband have reared a family and he has voted and exercised rights of citizenship there; that in 1897 her son purchased the right of occupancy of a tract of land in the Cherokee Nation taking the title in his own name; that he set apart a few acres of said tract for the applicant; and that she has four or five head of stock upon said land, but it does not appear that she owned said stock prior to June 28, 1898. With that exception, she has never owned any property or effects in the Cherokee Nation since her removal therefrom; and it is apparent from the evidence that she intended

to assume the residence and political status of her husband.

It is, therefore, the opinion of this Commission, following the decision of the Department in the case of Elizabeth C. Payne (I.T.D.1108-1903), that the application for the enrollment of Martha Swift as a citizen by blood of the Cherokee Nation should be denied, under the provisions of the Act of Congress, approved June 28, 1898 (30 Stats.,495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this MAR 10 1904

COMMISSIONERS
HENRY L. DAWES
JAMES BIRNEY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
ATTORNEY AT LAW FOURTH STREET

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 1119.

ASSISTANT ATTORNEY
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 29, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Martha Swift for the enrollment of herself as a citizen by blood of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Commissioner in Charge.

Enc. C. No. 28.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1119.

Muskogee, Indian Territory, October 7, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Martha Swift for the enrollment of herself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Respectfully,

Acting Chairman.

COMMISSIONERS
TAMS BIXBY,
THOMAS B NEEDLES
C R BRECKINRIDGE
W E STANLEY

ALLISON L AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-717

Tahlequah, Indian Territory, May 27, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby notified that on May 1, 1903, the Secretary of the Interior granted a motion to reopen, for the purpose of taking additional testimony, the application of Martha Swift for enrollment as a citizen of the Cherokee Nation, Cherokee R-717 (D-1119).

The applicant has this day been advised that any further testimony she may have to produce, tending to establish her right to enrollment, can be presented before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before June 27, 1903. Evidence is particularly required as to the residence of the applicant.

Respectfully,

C. R. Breckinridge

Commissioner in Charge
Cherokee Land Office.

MFM

COMMISSIONERS
TAMS BIXBY,
THOMAS B NEEDLES
C R BRECKINRIDGE
W E STANLEY

ALLISON L AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
Cherokee R-717

Tahlequah, Indian Territory, June 3, 1903

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:-

Owing to the appropriation for the coming fiscal year not being yet available, as was expected, and the consequent lack of funds to carry on business at the land office at Tahlequah, all business at that office is suspended until July 1, 1903.

You are, therefore, hereby notified that the day set for the hearing of additional testimony in the matter of the application of Martha Swift for enrollment as a citizen of the Cherokee Nation has been changed from June 27, 1903, to July 11, 1903.

Respectfully,

BCJ

Commissioner in Charge.

MDG

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON C. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee R 717

Muskogee, Indian Territory, March 18, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 10, 1904, rejecting the application of Martha Swift for enrollment as a citizen by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

C. R. Breckinridge

Encl. V-43

Commissioner in Charge.

Mar 7

COMMISSION
TAM. BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee R 717

Muskogee, Indian Territory, June 14, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 10, 1904, rejecting the application for the enrollment of Martha Swift as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 3, 1904.

Respectfully,

Chairman.

IN THE MATTER OF THE APPLICATION OF

Martha Smith

FOR ENROLLMENT AS

CHEROKEE CITIZEN

A Original petition Feby 20/01

B Memo of application " "

C Notice of final consideration 3/19/02

D Receipt for Testimony

Transferred to R-717

Cher D 1120

Cher D 1120

a R 1197

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 11 1900

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[illegible]

[illegible] follows:

[illegible] two

[illegible] Yes sir.

[illegible] A Yessir

[illegible] I have

[illegible] years.

[illegible]

[illegible] I was

[illegible] A On

[illegible] rolls except [illegible] been here.

[illegible] A Yes sir. I suppose so.

Applicant [illegible]

[illegible] A [illegible].

[illegible] A [illegible].

[illegible] ive ever since have you?

[illegible] A [illegible].

[illegible] A I could [illegible].

[illegible] A [illegible].

[illegible] A [illegible].

[illegible] A

ment of himself, his wife and his two minor children; he and his two children are identified on the roll of 1894; none of them are identified on any other roll; the applicant claims to have been admitted to citizenship by the Cherokee Commission in 1890; to have come for the purpose of making the Texas, and [illegible] the roll of 1896 was made; the record of said commission shows that in Book A, page 140 case #2704 on September 7th, 1896, the applicant filed his application for admission to Cherokee Citizenship; that application was denied, and no appeal was taken; the applicant presents at this time a duplicate copy of the petition that he forwarded to the Dawes Commission, which petition includes the names of himself and his wife and the two minor children for whom he now makes application; The records of the Commission, accessable at present only show of the application made by the applicant himself; as the children have no rights except through the father and mother, and the mother is a white woman, and they have no rights except through the father and husband, and he has no rights, there are no rights accruing to any of the family, and the application for the enrollment of the applicant and his wife and these two minor children are this time rejected.

I, [illegible], hereby certify that I took the stenographer to the foregoing testimony of the witness in this case; that the same was correctly recorded by the stenographer in my presence and under my direction; that the foregoing is a true and correct transcript of said testimony, to the best of my knowledge and belief.

M D Lucas

Subscribed and sworn to before me this 11th day of Sept 1900.

C A Burnette

Commissioner.

DEPARTMENT OF STATE
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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEBRUARY 21st, 1901.

IN THE MATTER OF THE APPLICATION OF Fannie D. Perry for the enrollment of herself and children (one step child) as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, T. B. Needles testified as follows:

Q What is your name? A Fannie D. Perry .
Q How old are you Mrs. Perry? A I am forty eight.
Q What is your Postoffice address? A Vinita.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood or intermarriage? A Intermarriage.
Q For whom do you apply? A Myself and two children.
Q What are the names of your children? A Earnest G.
Q How old is he? A Twenty years old.
Q What is the name of the next one? A Mary Gladys.
Q How old is Mary? A Seven and a half years.
Q What is your husbands name? A Silas A. Perry.
Q Is he living? A No, sir.
Q About what ~~xxxxx~~ would his age be? A He would have been fifty five in June if he had lived.
Q Was he a Cherokee Citizen by blood? A Yes, sir.
Q Is his name on the roll of 1880? A No, sir.
Q Why? A He left here in '79; he got sick and left in the Fall of '79 and he was in Texas in '80.
Q When did he return? A Sometime in '80.
Q Did he live continuously in the Indian Territory from the time of his return sometime in 1880 until his death? A Yes, sir
Q When were you married to him? A In '92.
Q What was your name before you were married? A Fannie Fox.

Com'r. T. B. Needles: Applicant presents certificate of marriage, certifying that she was married by W. F. Thompson, Minister of the Gospel on the 23rd day of October, 1892 to one, Silas Perry.

Applicant presents a certified copy of what purports to be a decision of the Court of the Cherokee Nation, certifying that on the 13th day of December, 1870 one Silas Perry was entitled to Cherokee citizenship, being a Cherokee by blood:

And also a certificate signed by R. B. Daniels, Chief Justice of the Supreme Court, certifying that by decision of said Court on December 13th, 1870 one Silas Perry was entitled to Cherokee citizenship. Said certificates are filed herewith.

Q Do you know whether he ever applied for enrollment to the Dawes Commission in 1896? A No, sir; he never applied to the Dawes Commission.
Q When did Silas A. Perry die? A He died the second day of this month.
Q You say he never appeared before the Dawes Commission? A No, sir, except at Pryor Creek; they rejected Sallie A. Perry: He got sick and did not appear any more.
Q Did you ever know a person named Sallie Ann Perry? A No, sir.
Q Mrs. Perry the Commission rejected your husband, yourself and the two children.
A Well, I don't know when it was.
When he applied; September 10, 1900 at Pryor Creek.
A Well, they had rejected Sallie A. Perry.

Pay Roll of the Cherokee Nation of 1894 examined and the name of applicant's deceased husband and her step child and child found thereon as follows:

Page 269, #3284, Silas A. Perry, Cooweescoowee District.
Page 269, #3286, Earnest Perry, Cooweescoowee District.
Page 269, #3288, Mary G. Perry, Cooweescoowee District.

Q Did you live continuously with Silas A. Perry as his wife from the time of your marriage until he died? A Yes, sir.
Q Are you a citizen by blood? A No, sir.
Q Where were you married? A Six miles east of Pryor Creek.
Q Are you the mother of Earnest G. Perry? A No, sir.
Q You are the mother of Mary G. Perry? A Yes, sir.
Q Who was the mother of Earnest? A Jennie Perry.
Q Is she living? A No, sir.
Q Was Silas Perry duly married to her? A Yes, sir.
Q How do you know? A He said so and he was an honest man and never told anything but the truth.
Q Do you know where he was married to her? A On Cowskin.
Q Did you know his first wife? A No, sir.
Q Did they live together as man and wife? A Yes, sir.
Q How do you know if you did not know her? A I lived in the neighborhood where she had lived and heard people say so.
Q How long did you say Silas Perry had lived in the Cherokee Nation to your personal knowledge? A He came in '70 and made him a farm on the Cowskin Prairie and lived on that farm until the Fall of '79 and then went to Texas and came back sometime in 1880; he sold his farm on the Cowskin and bought a farm on Rock Creek.
Q Did he live in the Cherokee Nation continuosly from 1880?
A Yes, sir; never left the Nation.
Q Were you acquainted with him when he came back? A No, sir, but I was acquainted with him about two years afterwards.
Q That was before his first wife died? A No, sir, I was not acquainted with him until after his wife died.
Q When did his first wife die? A She must have died in '90.
Q Consequently you were not acquainted with your husband until after his first wife died? A No, sir.
Q So you do not know of your own knowledge whether he lived in the Cherokee Nation before that or not? A No, sir.
Q You have no personal knowledge of his residence in the Cherokee Nation until after the death of his first wife? A No, sir, but he had been here sometime before she died.
Q That is what you heard, but you do not know? A No, sir, I do not know, but I have heard others say.

By Mr. J. L. Baugh, Cherokee Representative:
Q Do you know, or did you ever hear your husband say where he and his former wife were married at? A I think they were married on Cowskin; I am not sure.
Q Do you know whether the child, Earnest was born in the Cherokee Nation or the State of Texas? A He was born in Texas I think.

Com'r. T. B. Needles: Applicant, Fannie D. Perry, applies for the enrollment of herself, her step child and her own child. From the records of the Dawes Commission it is shown that Silas A. Perry, whom the applicant avers to be her husband, applied to the Dawes Commission on the 11th of September, 1900 for the enrollment of himself, his wife and the two children, Earnest G. and Mary G. .

The records show that said application was rejected: The testimony shows that since September 11th, 1900 the said Silas A. Perry has died; and now comes his widow, Fannie D. Perry and makes application for herself and said two children. The records show that the application of Silas A. Perry for the enrollment of himself, wife and said two children was rejected, because of the fact that the said Silas A. Perry had applied to the Dawes Commission in the year 1896 for the enrollment of himself, his wife and children and that his application was by said Commission denied.

Now comes the applicant, Fannie D. Perry and avers that the S. A. Perry whose name appears upon the record of the Dawes Commission as rejected, in Case No. 2704, is not the identical Silas A. Perry

who was her husband and who applied for enrollment on September 11th, 1900, although the initials are the same; it is averred that the S. A. Perry who was rejected in Case No. 2704 was one, Sallie Ann Perry and not Silas A. Perry. Applicant presents proof of citizenship, more particularly described ~~Appdx~~ in the testimony, and filed herewith. She also presents satisfactory proof as to her marriage to the said Silas A. Perry: She avers that Earnest G. Perry, ~~is~~ her step son for whom she now applies was the son of the said Silas A. Perry by his former wife, Jennie Perry, but she makes no satisfactory proof of the marriage of the said Silas A. Perry and his former wife, she being a white woman: She avers that Mary G. Perry is her daughter by said Silas A. Perry, her said husband.

The name of Silas Perry is found upon the Payroll of 1894; his name is not found upon the authenticated roll of 1880 or the census roll of 1896; the name of the applicant, Fannie D. Perry and the children, Earnest G. and Mary G. Perry are not found upon the census roll of 1896: Applicant avers that she was married to said Silas A. Perry in the year 1892, and by him had one child named Mary G.

By reason of the fact that the certificate and proof of admission to Cherokee citizenship is not satisfactory; also by ~~the~~ reason of the protest of the Representatives of the Cherokee Nation as to the legality of the certificate and Act of admission to Cherokee citizenship of the said Silas A. Perry; and by reason of the further facts developed in the testimony, final judgment as to the enrollment of the said Fannie D. Perry as a Cherokee citizen by intermarriage; Earnest G. and Mary G. Perry as citizens by blood will be suspended and their names will be placed upon a doubtful card.

Attention is called to Section Two, Article One of the Constitution of the Cherokee Nation. Attention ~~is~~ also called to the testimony in the matter of the application of Silas A. Perry and others on Rejected Card #124.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 21st day of February, A. D., 1901.

COMMISSIONER.

Cherokee B - Card 1130.

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 28, 1901.

Supplemental testimony in the matter of the application of Fannie D. Perry for enrollment as a citizen of the Cherokee Nation.

W. S. Stanfield, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A W. S. Stanfield.
Q What is your age? A 33.
Q What is your postoffice? A Vinita.
Q Do you know the applicant, Fannie D. Perry? A Yes sir.
Q Do you know whether she, or anyone for her, applied to the Commission in '96? A I was attorney for her husband at that time. He went before the Dawes Commission in the Western Hotel and had a conversation with Captain McKennon, and Captain McKennon told him it was not necessary for him to make application, and following out those instructions we did not at that time, as his attorneys. Later on when the Commission opened up at Tahlequah, or Fort Gibson, or some where for the enrollment of adopted citizens, he made application for enrollment and they returned his papers, the same as they did a number of others we made, endorsed on back already enrolled; and the case of S. A. Perry, during his life, I wrote to the Commission at Muskogee to return his case and I was down there, and it appears that S. A. Perry was a lady and not the S. A. Perry, or any of the children that are in his family.

The records of the Dawes Commission show that in case No. 2704 one S. A. Perry applies to the Dawes Commission to be enrolled as a Cherokee citizen under the act of June 10, 1896, and that said S. A. Perry was rejected.

Q Now, you state that the S. A. Perry in that suit is not the Silas A. Perry, who is the husband of the applicant? A Yes sir, it is not.
I. B. Bell: Do you know who that S. A. Perry was, that was rejected? A Nothing more than the records disclose. The records disclose that it was a woman, and the records disclose that the names of her children are not the same as his children.
Q Which one of these, S. A. Perry or the applicant was a Cherokee? A The husband was a Cherokee.
Q What was his name? A Silas A.
Q Where did he live? A Down somewhere near Big Cabin, down from Vinita on the M. K. & T.; somewhere, At Adair. Somewhere below Vinita, I never was on his place; I know the neighborhood in which he lives.
Q How long since he died? A He has been dead some five or six months something like that.
Q And his wife was named what? A I don't know her name; this is her. I don't know her given name. I might know it if I heard it.
Q You never had their business? A Yes sir, I had their business among other business, and the name of his wife didn't attract my attention.
Q This applicant is that Silas A. Perry's wife? A Yes sir, I know them in their life time.
Q She is not a Cherokee herself? A I don't know anything about that.

The undersigned, being sworn, states that he stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 28th day of May, 1901.

Commissioner.

NOV 6 1901

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 29, 1901.

In the matter of the application of Fannie D. Perry et al. for enrollment as Cherokee citizens.

Supplemental testimony on behalf of the applicant;

Appearances:

W. E. Kornegay, attorney for applicants;
W. T. Hastings, of counsel for Cherokee Nation.

Fannie D. Perry, the applicant, being duly sworn by Commissioner Needles, testified as follows:

Mr. Kornegay: What is your name and your postoffice? A Fannie D. Perry, Big Cabin is my postoffice.

Q And your age? A I will be 50 my next birthday.

Q Is Perry dead? A Yes, sir.

Q I will get you to identify these papers and say as to where they came from (hands witness papers)? A Why they came from Silas Perry.

Q Were they among his papers that were left there when he died?

A Yes, sir.

Q What do they appear to be? A They are shipper's permits.

Q What is the other one? A That is a permit for hired labor.

Mr. Kornegay: I would like to offer in evidence these papers.

Mr. Hastings: I have no objection.

Q Mrs. Perry, you have testified in this case before, and the stenographer has made the transcript of your testimony here: in this you say that Mr. Perry returned here in 1880? A No, I said sometime in the eighties, I didn't say in 1880, I said sometime during eighties, I don't remember the exact time, I didn't know then, but I know since.

Q Well, from your corrected information, what time did he actually return to the Nation? A He returned in May, '89.

Q What time did he leave here? A He left here in '79.

Q '79, is that your information on that? A Yes, sir.

Mr. Hastings: And he came back in '89? A Yes, sir.

D. W. ROGERS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Kornegay: What is your name and your age and your postoffice?

A D. W. Rogers, Adair is my postoffice.

Q What is your age? A 66.

Q What is your citizenship, Mr. Rogers? A Cherokee by blood.

Q How long have you lived here? A I have been living here continuously since '85.

Q Did you know Silas Perry? A Yes, sir.

Q When did you know him? A I knew him from '94 till he died.

Q Where did you live from Silas Perry? A I expect it is about ten miles.

Q Do you know about his recognition as a citizen of the Cherokee Nation during the time you knew him? A I never heard it questioned.

Q Were you in a position to have heard it if it had been? A Why if there had been a trial of any kind I suppose I would have known it.

Q You say you never heard his citizenship questioned? A I never did.

Q Do you know of his voting, or such things as that? A No, sir, I never knew him to vote.

FRANK SKINNER, being duly sworn by Commissioner Needles, tes-

tified as follows:

Mr. Kornegay: What is your name and your age and your postoffice?

Q Frank Skinner, Big Cabin is my postoffice.

Q What is your citizenship? A White man, adopted.

Q Adopted citizen of the Cherokee Nation? A Yes, sir.

Q Did you know Silas A. Perry? A Yes, sir.

Q How long did you know him? A Ever since he came back, I forget just what year he came back here, until he died.

Q About how many years did he remain here after he returned until his death? A Well sir, I can't tell you, nine or ten years I guess.

Q How far did you live from him? A In nine or ten miles.

Q State whether or not he owned a place upon the public domain here? A Yes, sir.

Q State whether or not he was a recognized citizen? A Yes, sir, I always thought he was.

Q Did you ever know of his serving on a jury in the Cherokee Courts? A Yes, sir.

Q Where? A Claremore.

Mr. Hastings: Were you on that jury? A Yes, sir; I was rejected, I didn't serve.

Q Was the question of his citizenship raised? A No, sir.

Q It wasn't passed on then? A Not that I know of.

Q Do you know whether any question of his citizenship was raised, and passed on by any authority of the Cherokee Nation? A No, sir, I never heard of any decision, I always thought he was a qualified Cherokee.

Q Did you ever know of his living in Texas ten or twelve years?

A I heard of it, I don't know he lived there, I couldn't swear it.

Q You didn't know him before that? A No, sir.

Q You were never in any official position where the question of his citizenship was raised and where it was passed on? A No, sir.

Q Or present where any xxxxxxx officials of the Nation had to pass on it? A No, sir.

Mr. Kornegay: It was after he returned to Texas that he was serving on the Cherokee jury was it? A Yes, sir.

Commissioner: The testimony will be filed in the case D-1120.

****

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 30th of October, 1901.

Commissioner.

D1120

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 31 1902

ACTING CHAIRMAN

R

Cherokee D 1120

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 19,1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application of Fannie D. Perry for the enrollment of herself and children as Cherokee citizens.

Appearances:
W.D.Humphrey, representing W.H.Kornegay,Vinita,I.T., attorney for the applicants;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter Febr ary 28th,1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March,1902. Applicant this day appears by her attorney, W.D.Humphrey, representing W.H.Kornegay.

BY COMMISSION OF MR. HUMPHREY: Any statement you desire to make relative to the case? A Not relative to the case.
You know this morning the attorney for the applicant presented a brief in the case, which has been filed, and also a copy of the Brief to Mr. Hastings, representative of the Cherokee,Nation, and at this time we close the case.

BY COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation present submit the case; same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

I,M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

D1120

In the matter of the
enrollment of
Fannie D Perry et al
as citizens of the
Cherokee Nation.

Boies in behalf
of Applicant

Copy

Interior Department.

Appealed to the Five Civilized Tribes.

In the matter of the application of Fannie D.Perry for the enrollment of herself as a citizen as citizens of the Cherokee Nation.

On this 21st day of May, 1901 Fannie D.Perry applied to the Five Civilized Tribes, sitting at Vinita, I.T. for the enrollment of herself and two children as citizens of the Cherokee Nation. She claims citizenship by intermarriage to Silas A.Perry who was a Cherokee citizen by blood. It seems from the records of the commission that she furnished satisfactory evidence of marriage, but that she was put on the contest list--the reason being that Silas A.Perry applied to the commission at Prior Creek on the 10th of September, 1900 and subsequently failed to substantiate his claim. His rejection, as it appears from the evidence was based upon the ground that his rights had been passed upon and determined in the case of one S.A.Perry who applied to the commission for enrollment, at Fairland in September, 1900, who at one time the commission thought might be Silas A.Perry. It has since been shown that the S.A.Perry who applied at Fairland was not the Silas A. Perry that applied at Prior Creek, but was Sally Ann Perry - a person un known to and unconnected with Silas A.Perry except through error of the commission in mistaking the parties by identity of initials.

The marriage of Silas A.Perry and Fannie D.Perry being established and the facts raised as to the identity of Silas A.Perry as distinguished from the other S.A.Perry being removed the question to be settled is the citizenship of Silas A. Perry upon which the citizenship of Fannie D.Perry depends. Was Silas A. Perry a citizen on the Cherokee Nation while Fannie D.Perry was his wife and lived with him as such? There is in evidence in this case a copy of a decision of the supreme court of the Cherokee Nation showing that on the 13th of

December,1870 Silas Perry was by that court adjudged entitled to Cher okee citizenship. Being a judgment of the highest tribunal of the Cherokee Nation it is conclusive- certainly so against the Nation- and allowed to stand thirty years without being questioned. Where a party is admitted to citizenship by a court having jurisdiction in matters of naturalization and the judgment of the court entered of record it closes all inquiry and like any other judgment is complete evidence of its own validity.(Tyeatt vs Tyeatt,U.S.Sup.Ct.Rep.L.Ed.Bk.7,p.807.)

A print of the transcript of the record in the matter of the application of Jennie P Perry it appears from the note of the commissioner that she was withheld from the strait cap by reason of the fact that the certificate and proof of admission to citizenship is not attested properly;also by reason of the protest of the Cherokee Nation as to the validity of the certificate and act of admission to Cherokee citizenship of the said Silas A.Perry ". The applicant contends that in the absence of anything to impeach the validity of the certificate it should be taken as establishing the fact Silas A.Perry was lawfully admitted to citizenship. Suppose informalities should be found,they could not be too closely scrutinized. Informalities in a judgment of an Indian court are disregarded by the United States courts.(Parker vs Chapman,1 Ind.Ter.Rep.p.100.) A record of naturalization does not have to show a special finding of the facts entitling the applicant to be naturalized. The judgment is sufficient evidence that the applicant made a sufficient showing of all the requirements of the law.(Tyeatt vs Tyeatt above cited.) Nor does an exemplification of a record of naturalization to be received in evidence require to complete its authentication the certificate of the clerk that the judge of the court was duly commissioned and qualified.(St.Paul,Minn. and Manitoba R'y Co., plaintiff in error vs David Dunton . U.S.Sup.Ct.Rep.L.Ed.Bk.38p.604.)

Conceding that Silas A.Perry was at one time a citizen ofthe Cherokee Nation as shown by the [illegible] records of the supreme

count of the Cherokee Nation, counsel for the nation then contend that he forfeited his citizenship by moving to Texas, and plead Sec. 5 of Art. I of the Cherokee Nation as well as the provisions of the act to law. Said section of the constitution being as follows: "The lands of the Cherokee Nation shall never be sold, nor any portion thereof, nor the common property of the citizens of the nation, and the exclusive and indefeasible property of the people shall be inherited by their children, and forever be in possession of them; provided that the citizens of the nation may exclusively dispose of their improvements, as expressed in this article of the constitution; provided, that no citizen shall have power to dispose of their improvements, in any manner whatever, to the United States, individual states, or to any individual citizen thereof; and if any citizen shall remove out of the limits of this nation and become a citizen of any other state or any other government, all his rights and privileges as a citizen of this nation shall cease; provided, seventhly, that the national council shall have power to admit by law, to all the rights of citizenship, any person who may, at any time desire to become a citizen, on incorporating themselves with the nation, on principles, and conditions, as may be specified. Provided the national council shall have power to adopt such laws and regulations as its wisdom may deem expedient, for the purpose of protecting the citizens from intermarriage, with the view of speculation."

Under this section of the constitution it is necessary in order that upon the removal of a Cherokee to the nation his rights and privileges as a citizen shall cease? Must it be shown that he has not only ceased to reside in the nation but has in addition become a citizen of the government to which he has located. Both must be done in order to cast the forfeiture of the constitution. In fine there must be a total abandonment of all connection with the Cherokee Nation. And his permanent allegiance to the government under which he takes up his residence? Is this necessary in order to work even the expatriation that Silas A. Perry has from a citizen of Texas? Nothing but the bare fact of his residence there. There is no evidence that he ever voted or ever exercised any authority or right in Texas more than any other state in the union accords to strangers, sojourners or immigrants. Residence alone does not confer citizenship. Residence without naturalization does not show expatriation or a renunciation of one's former citizenship. (9 Op. Att'y Gen'ls p. 356.)

Silas A. Perry could not have become a citizen of Texas even by permanent & bona fide residence in that State

he was an Indian by blood as shown by evidence in this case . It is a matter of universal knowledge that the Cherokees of the Indian Territory were not citizens of the United States until [illegible] by the act of March,3,1901. By moving to Texas he could not acquire citizenship there on the principle that a citizen of the United States is a citizen of the state in which he resides. Indians can only become citizens of the United States by naturalization,by treaty or by special act of congress. There is no such thing as national citizenship. The application has been for the citizenship of all U. S. Every man who has not been naturalized is a citizen of the state where he resides. The presumption is that he retained his domestic citizenship (Dent on Aliens,p. 186.) Therefore the burden of proof was upon the plaintiff in this case to show that Allen Perry had become a citizen of Texas , and not upon the applicant to show that he did not .(See case of Perry v. Keene et al, 56 N.Y. 351, 15 Am. Rep. 433; Lynch v. Clarke, 1 Sandf. Ch. 583; Shanks v. Dupont, 3 Pet. 242, 7 L. Ed. 666; Inglis v. Sailor's Snug Harbor, 3 Pet. 99, 7 L. Ed. 617; Shelton v. Tiffin, 6 How. 163, 12 L. Ed. 387.)

To show that Allen Perry a citizen of Switzerland had removed from that country to the state of Virginia and had so completely severed his connection with Switzerland that upon his death his property [illegible] into the possession of the escheator before his heirs, heard of his death . Suit was brought by the heirs to recover the estate from the escheator. The case rested upon the citizenship of Colonel Hauenstein. The court held that as Hauenstein was known to have been a citizen of Switzerland it was incumbent upon the escheator in Virginia to show that he had been naturalized. The escheat or [illegible] only evidence and ownership of property in Virginia. The court thought that it did not show that Hauenstein's original citizenship had ceased and held that he was a citizen of Switzerland despite his removal to and residence in Virginia. There is less ground for doubt in the case under consideration than in Hauenstein case. Perry did not leave the Territory permanently as did Hauenstein from Switzerland

To return to the Nation and enjoyed the same rights and civil [illegible] that [illegible] exercised before leaving. He held lands in the Nation [illegible] not [illegible] as an intruder. The authorities recognized his right to [illegible] protect non-citizen labor and issued his permits to employ citizens of the United States. These permits were only issued to [illegible] Cherokee citizens. [illegible] Thus [illegible] Geo. Texas he lived in the Cherokee Nation more than fifteen years, and until his death and voted at all elections held upon lands in the Cherokee Nation and in Cherokee courts. None but Cherokee citizens were allowed to do this. The exercise of the right of suffrage upon the question of election [illegible] was the privilege of [illegible] of party factions in the Nation and evidence of citizenship. In voting in the Cherokee elections and serving in the Cherokee courts Silas A. Perry not only enjoyed the rights of citizenship, but also performed the duties of a citizen.

On the supposition that Silas A. Perry could not have become a citizen [illegible] as he was [illegible] by birth, [illegible] as [illegible] he was born in the United States and by law [illegible] citizen with his tribe and not completely and fully emancipated himself to the jurisdiction of the United States, and had been a bona fide resident of the state of Nebraska it must show that he was either a citizen of the United States or the state of Nebraska.

The authorities of the Cherokee Nation have never contended that non-residence of a restricted citizen of the Nation meets the requirements of Sec. 2 of Art. 1 of the constitution, by which citizenship may be lost.

Of Cherokee

that every readmitted citizen who does not permanently locate will
find his name a dead letter on the pay roll in case of another payment
of the Nation, i.e. December of 1924 at the first session of the Council
after the Act permanently located within the Nation. In the light
of the history of the law, what does the law mean ? It simply means
that every readmitted citizen who does not permanently locate will
not be entitled to participate in the distribution of interest at home, and the right to or non-
existence of citizenship and income for the development of the resources
of the Nation, i.e. December of 1924 at the first session of the Council
after the Act permanently located within the Nation. In the light
of the history of the law, what does the law mean ? It simply means
that every readmitted citizen who does not permanently locate will
find his name a dead letter on the pay roll in case of another payment

The situation to the five civilized Nations sitting as a court, to in
vestigate and determine the rights of claimants of Cherokee citizenship
under the law will take judicial notice of the construction placed
upon the Cherokee laws by the Cherokee authorities, and also of the histo-
ry of those laws. On the question that the Cherokee authorities
under their construction of the Cherok e constitution have never consid-
ered readmitted citizens outside the limits of the Cherokee Nation, subsequent to de
cision, an attempted exaction of foreign citizenship attention in
relation to the "Cherokee Bill 1924" enacted in December, 1924, which reads as
follows: "An Act to require readmitted persons readmitted to citizenship
in the Cherokee Nation to locate within six months. - Be it enacted by
the National Council that all [illegible]
[illegible]
[illegible]
[

Silas A. Perry at that time had the right to remain in the Choctaw Nation and retain all the rights and privileges of a citizen. Upon the passage of the senate bill the intention is clear that the legislature of the Cherokee Nation does not require any citizen to be a resident of the nation. How does the law require the readmission of a non-resident citizen upon his return to the Cherokee Nation. It is not required that he shall return within six months from the passage of the act if he is already a readmitted non-resident citizen. All that is required would seem to be that he shall return to the nation within six months from the passage of the act. All that is done to show the intention of the petitioner, and that residence abroad has not been looked to as a forfeiture of citizenship at home. Mary Gladys Perry is shown to be the daughter of Silas A. Perry and Nancy E. Perry, [illegible] said Silas A. and Nancy E. Perry are citizens of the Cherokee Nation. Mary Gladys was born on the 9th day of December 1900. She was born on Cherokee soil, and has since her birth lived continually in the Cherokee Nation. It is insisted that she should be enrolled as a citizen of the Cherokee Nation. In this case application is also made for the enrollment of Vernest C. Perry as a citizen of the Cherokee Nation. Vernest C. Perry is shown to be the son of Silas A. Perry by his first wife. But it is contended that the license and certificate showing the marriage of Silas A. Perry to his first wife should be produced. The applicant thought this necessary. It is in evidence that Silas A. Perry and his first wife were married on Tonkin Prairie in Cherokee Nation. It is in evidence that subsequent to that marriage they lived together as man and wife till her death. It has been over thirty years since

that marriage, and the parties to it up to the death of the wife had lived together under the law as man and wife for twenty years. The marriage was never questioned, and since innocence and compliance with the law are presumed, ~~was~~ until ~~this~~ his. proved, it is not incumbent upon the child to produce parents' marriage license and certificate of marriage. Earnest G. Perry insists that he is a Cherokee by blood and is entitled to be enrolled as a citizen of the Cherokee Nation. But it is again contended that this child was born in Texas. What has that to do with the case, if his father was a Cherokee citizen at the time will he become a citizen by the chief attorney his majesty of the child's birth? The child follows the citizenship of the father. That the child should acquire citizenship by the accident of birth on the soil of ~~the~~ a govenim ent or state, is an idea that has never found [illegible] wife in the United States has always been that citizenship is [illegible] by descent, and that the citizenship of the father, he being the head of the family governs the citizenship of his off-spring, and as often as the citizenship of the father changes so does the citizenship of his minor children. It is shown in this case that Silas A. Perry was a citizen of the Cherokee Nation in 1870. It is not shown that he became a citizen of Texas as it was contended by the Nation, for "expatriation that was not only extradition but also naturalization." (3 Opinion Att'y Gen. p.258). It is shown that from 1880 till his death in 1901, he lived continuously in the Cherokee Nation as a recognized citizen thereof exercising the privileges and performing the duties of Cherokee citizenship. Silas A. Perry and Earnest G. Perry and Mary G. Perry are on the pay roll of 1884, neither is no evidence that they are there by fraud or without authority of law and under Sec. 21 of the Curtis Law it seems to be the duty of the Commission to enrolled them whose names are found on the roll when not there by fraud or without authority of law. The applicants, Nannie P. Perry, Earnest G. Perry and Mary G. Perry believe they are entitled to all the rights of the Cherokee citizenship, and it is requested that they be enrolled as citizens of the Cherokee nation.

D E P A R T M E N T O F T H E I N T E R I O R,

Commission to the Five Civilized Tribes,

Muskogee I. T. June 10, 1902.

In the matter of the application of Fannie D Perry et al for enrollment as citizens of the Cherokee Nation.

Cherokee D 1120.

Adjudication of the Cherokee Nation.

The testimony in this case shows that Fannie D. Perry is a white woman; that she married her husband Silas A Perry, now deceased, in 1892; that her husband was admitted to citizenship in the Cherokee Nation in December 1870; that from his own testimony given at Tahlor Creek, September 10, 1900 in this case prior to his death he stated that he went back to Texas in the fall of 1871, but he does not state the exact time of his return to the Cherokee Nation. This, however, is left for his wife the present applicant to state upon her subsequent examination at Vinita on October 3rd, 1901 when she says that Silas A Perry returned to the Cherokee Nation in 1889. The testimony also shows that he was married in the State of Texas in the year 1873 to Fannie Albright and she testifies further shows that his child by his first wife, now twenty years of age was born in the State of Texas. His present wife did not live with him until after the death of his first wife hence some of her statements in her first testimony are matters of hearsay but from the testimony of Silas A Perry himself that he went to Texas in the fall of 1871 and the fact that he was married there in 1873 and the fact that his oldest child born about the year 1880 was born there, in the state of Texas, and from the testimony of the applicant as to the date of his return in 1889, also from the testimony of D. F. Rogers and Frank Skinner we are bound to conclude that Silas A Perry must have residedin the State of Texas Continuously from the fall of 1871 until 1889. We are further justified in this conclusion by the remark made by Silas A Perry himself during the course of his examination when he stated : " When I came back I took the wrong advice, I would have sent papers down there to be readmitted but as smart a man as was in the Cherokee Nation stated there was no use." From this we conclude that Silas A Perry himself realized that there were doubts

about his citizenship and from that we are justified in inferring that this is corroborative of our contention that he resided in the state of Texas from 1871 until 1889 a period of eighteen years. There is no testimony whatever introduced to contradict or to disturb this inference and if it be true the Cherokee Nation contends that the applicants, whose rights depend upon Silas A Perry are not entitled to be enrolled as citizens of the Cherokee Nation.

As early as 1873 the Cherokee Nation passed an act limiting the time of the return of all persons who had heretofore been readmitted to citizenship in the Cherokee Nation which is found in the compiled laws of the Cherokee Nation, 1875, on page 270 as follows:

" That all those persons, who have, by special act or otherwise, been re-admitted to the rights and privileges of Cherokee Citizenship, and who shall fail to return to the Nation within six months from the date hereof, and thereafter identify themselves with the People of the Cherokee Nation, by locating permanently, shall be barred such rights of citizenship, all provisions to the contrary notwithstanding."

The Cherokee Constitution provides: " That whenever any citizen shall remove with his effects out of the limits of this Nation, and become a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease."

Now the testimony shows that Silas A Perry removed from without the limits of the Cherokee Nation to the State of Texas, that he married there where his oldest child was born and that he resided there continuously for a period of eighteen years that he never was readmitted to citizenship in the Cherokee Nation upon his return to the Cherokee Nation in 1889 and there is no proof whatever that he retained any property within the limits of the Cherokee Nation during this long absence. In as much as the citizenship of Fannie D Perry depends upon Silas A Perry also that of the children and for the reasons herein above set forth we do not believe that Silas A Perry would be entitled to enrollment if he were living and we submit that none of the applicants are entitled to be enrolled under the law as citizens of the Cherokee Nation.

J. C. S.

Respectfully Submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

Cherokee D-1120.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., Sept., 29, 1902.

In the matter of the application of Fannie D. Perry for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her step-son, Ernest G. Perry and daughter, Mary G. Perry as citizens by blood of the Cherokee Nation; she being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Fannie D. Perry.
Q What is your age at this time? A 50.
Q What is your postoffice? A Digcabin; that was my postoffice.
Q What is your postoffice now? A Pryorcreek.
Q It was Vinita when you applied? A I lived between Ingrum and Vinita when I applied.
Q Are you the same Fannie D. Perry who made application for yourself to this Commission on February 21, 1901? A Yes, sir.
Q Are you claiming as an intermarried citizen? A Yes, sir.
Q What was your husband's name? A Silas A. Perry.
Q Is he living or dead? A He is dead.
Q When did he die? A He died in February 1901, I believe.
Q Was he a citizen by blood of the Cherokee Nation? A Yes, sir.
Q When were you married to him? A 1892.
Q Were you ever married since your marriage to him? A No, sir.
Q Was he ever married prior to his marriage to you? A Yes, sir.
Q How many times was he married before he married you? A Once.
Q Was that wife living or dead when he married you? A Dead.
Q Were you ever married before you married Mr. Perry? A Yes sir.
Q How many times had you been married? A Three times.
Q Was he your third husband? A Yes.
Q You were married twice before you married him? A Yes sir.
Q Were both your husbands dead when you married Mr. Perry? A Yes sir.
Q Did you live with Mr. Perry the time of your marriage continuously up until the time of his death? A Yes sir.
Q Have you remarried since the death of Mr. Perry? A No sir.
Q You are still single? A Yes sir.
Q How long have you lived in the Cherokee Nation? A About 18 years I think it is.
Q Were either of your former husbands Cherokees? A No sir, white men.
Q You got your rights as an intermarried citizen through Mr. Perry did you? A Yes sir.
Q Were you living in the Cherokee Nation on the first day of September, 1902? A Yes sir.
Q And was single on that day? A Yes sir.
Q Are these two children Ernest G and Mary G.Perry living at this time? A Yes sir.

The undersigned, being duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes has correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

D. J. Rothenberger

Subscribed and sworn to before me this 14th day of October, 1902.

W. O. Jones
Notary Public.

Cherokee D-1180.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
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In the matter of the application of Fannie D. Perry for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her minor step-child, Earnest G. Perry, and her minor child, Mary G. Perry, as citizens by blood of the Cherokee Nation.

\|\| \|\| \|\| \|\| \|\| \|\| \|\| \|\|

DECISION.

--:o:--

The record in this case shows that on February 21, 1901, Fannie D. Perry appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her minor step-child, Earnest G. Perry, and her minor child, Mary G. Perry, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on May 22, 1901, and October 29, 1901, and at Muskogee, Indian Territory, on March 19, 1902, and on September 29, 1902. The testimony of Silas A. Perry, taken at Pryor Creek, Indian Territory, on September 10, 1900, has been made a part of the record in this case.

The evidence shows that the said Fannie D. Perry was lawfully married on October 23, 1892, to Silas A. Perry, who was re-admitted to citizenship in the Cherokee Nation by the legally constituted authorities of said Nation on December 13, 1870. The evidence further shows that the minor child, Mary G. Perry, is the issue of that marriage. The evidence further shows that the said Silas A. Perry was married in the year 1873 to Jennie Albright, and that she was dead at the date of his marriage to his wife, Fannie D. Perry. The minor child, Earnest G. Perry, is the issue of the marriage of Silas A. Perry and Jennie Perry. The said Earnest G. Perry is identified on the 1890 Census Roll and the 1894 Pay Roll of the Cherokee Nation, as a Cherokee by blood. His father is identified on the 1890 Census Roll of the Cherokee Nation, as a Cherokee by blood, and his mother is identified on that roll as an intermarried white. The minor child, Mary G. Perry, is identified on the 1894 Pay Roll of the Cherokee Nation, as a Cherokee by blood.

The evidence further shows that the said Silas A. Perry removed from the Cherokee Nation to the State of Texas in the year 1871; that he returned to the Cherokee Nation about the year 1889, and resided therein continuously until his death on February 2, 1901. It is further shown that the said Fannie D. Perry resided continuously in the Cherokee Nation with her husband from the date of their marriage until his death; that she has continued to reside in said Nation, and was a resident thereof, and had not remarried up to and including September 1, 1902. It is considered that the residence of the minor children herein applied for has been that of their parents.

Article 11 of the treaty concluded between the United States and the Cherokee Nation, at Tahlequah, Indian Territory, on December 19, 1891, approved by the Principal Chief on January 4,

1892, and ratified by an act of Congress, approved March 3, 1893, (27 Stats., L. 612-641) provides as follows:

"For and in consideration of the above cession and relinquishment, the United States agrees:

First: That all persons now resident, or who may hereafter become residents, in the Cherokee Nation, and who are not recognized as citizens of the Cherokee Nation by the constituted authorities thereof, and who are not in the employment of the Cherokee Nation, or in the employment of citizens of the Cherokee Nation, in conformity with the laws thereof, or in the employment of the United States Government, and all citizens of the United States who are not resident in the Cherokee Nation under the provisions of treaty or acts of Congress, shall be deemed and held to be intruders and unauthorized persons within the intent and meaning of section six of the treaty of 1835; and sections twenty-six and twenty-seven of the treaty of July 19,1866,and shall,together with their personal effects, be removed without delay from the limits of said Nation by the United States, as trespassers, upon the demand of the principal chief of the Cherokee Nation".

Upon examination of the lists of intruders and unauthorized persons residing in the Cherokee Nation, furnished by the principal Chief pursuant to said treaty, which lists bear date of 1893 and are now in possession of the Commission, it appears that the names of none of said applicants are found thereon.

It is, therefore, the opinion of this Commission that Fannie D. Perry should be enrolled as a citizen by intermarriage of the Cherokee Nation, and that Earnest G. and Mary G. Perry should be enrolled as citizens by blood of said Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898,(30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 10 1902

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1120.

Muskogee, Indian Territory, December 15, 1902.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Fannie D. Perry for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her minor step-child, Earnest G. Perry, and her minor child, Mary G. Perry, as citizens by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. H-207.

IN THE MATTER OF THE APPLICATION OF

David [illegible]

1 Engagement Ring of [illegible] 10/00

2 Memo. application of Sept 10/00

3 Original Marriage Licence Feby 21/01

4 Memo of application for Feby [illegible]

5 Certificate of Marriage

6 Special Certificate Chancellor's Commission

7 Order of Court Brooke County

8 Judgment of Brooke Superior Court of Chancery

9 Affidavit as to marriage.

Papers returned from [illegible]

[illegible] Dec. Sec. K-7211

Supplementary Petition

[illegible]

Cher D 1121

Cher D 1121

14113

DOUBTFUL AS TO APPLICANT'S HUSBAND.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, I.T., FEBRUARY 21st, 1901.

IN THE MATTER OF THE APPLICATION OF SIDNEY DAVIS FOR THE ENROLLMENT OF HERSELF, HUSBAND AND CHILDREN AS CITIZENS OF THE CHEROKEE NATION, AND SHE BEING SWORN AND EXAMINED BY COMMISSIONER, T. B. NEEDLES TESTIFIED AS FOLLOWS:

Q What is your name? A Mrs. Cicero Davis.
Q What is your given name? A Sidney Davis.
Q How old are you? A Twenty nine years old.
Q What is your Postoffice address? A Fawn, Indian Territory.
Q What district do you live in? A Canadian.
Q Are you a recognized citizen of the Cherokee Nation?
A Yes, sir.
Q By blood? A Yes, sir.
Q For whom do you apply for enrollment? A My husband, myself and three children.
Q Why is not your husband here in person? A He has business to keep him at home.
Q What is your husband's name? A Cicero Davis.
Q What is his age? A Forty one.
Q Is he a Cherokee citizen by blood? A Yes, sir.
Q What are the names of your children? A Rachel
Q How old is she? A Nine.
Q Next one? A Mamie.
Q How old is she? A Seven.
Q Next child? A Christine.
Q How old is she? A Five.
Q What was your maiden name? A Whisenhunt.
Q Is Mr. Davis your first husband? A Yes, sir.
Q Are you his first wife? A Yes, sir.
Q How long have you lived in the Cherokee Nation?
A I was born and raised here.
Q When were you married to Mr. Davis? A September, 1887.
Q Is Mr. Davis' name on the 1880 Roll? A I don't suppose he is.
Q Is he a citizen by blood? A Yes, sir, but he was out west on a trip when the roll of 1 80 was made and did not get back; he was in Colorado.
Q What is his father's name? A John Davis.
Q Is he living? A No, sir, he is dead.
Q What was his mother's name? A Saphronia Tate was her maiden name; they were admitted in the year '71.
Q Have you any certificate of admission.
A I don't know sir whether he has or not.

Tribal Rolls of the Cherokee Nation examined and the names of the applicants herein appear thereon as follows:

1880 AUTHENTICATED ROLL:
Page 486, #1866, Sidny Whisenhunt, Going Snake District.

1896 CENSUS ROLL:
Page 18, #499, Cicero Davis, Canadian District.
Page 18, #500, Sidney Davis, Canadian District.
Page 18, #501, Rachel Davis, Canadian District.
Page 18, #502, Mamie Davis, Canadian District.
Page 18, #503, Christiana Davis, Canadian District.

Q Well now, there is no evidence here of the citizenship of your husband Mrs. Davis? You say he was in Colorado in 1880?
A Yes, sir.
Q When did he go there? A Some time that spring.
Q How long did he live there? A He did not live there at all; he just went out there on a trip. He was just twenty one when he came here; when he came back from out west.
Q You swear that he out there a short time, you say?
A A short time I think.

Q Do you know whether he was ever readmitted to citizenship?
A I don't think he ever was; he never thought it necessary to apply for readmittance; he has always been recognised as a citizen and never took the trouble to get readmission papers.
Q What degree of blood has he? A They claim one sixteenth; they say they have one eighth I think.
Q Have you always lived in the Cherokee Nation? A Yes, sir.
Q Are these children all living at this time? A Yes, sir.
Q Were they born in the Cherokee Nation? A Yes, sir.

Com'r. T. B. Needles: The applicant, Sidney Davis applies for the enrollment of herself, her husband and three children. Her name is found upon the authenticated roll of 1880 as Sidny Whisenhunt, her maiden name, and upon the census roll of 1896, as Sidney Davis, her present name; she avers that she was married in the year 1887 to one, Cicero Davis, a Cherokee citizen by blood; the name of Cicero Davis is found upon the census roll of 1896; his name can not be found upon the authenticated roll of 1880, and no satisfactory proof as to his admission to Cherokee citizenship is presented.

The name of applicant's children, Rachel, Nannie and Christine Davis are found upon the census roll of 1896; They are all duly identified according to the page and number of the rolls as indicated in the testimony, and make satisfactory proof of residence; consequently said Sidney Davis and her three children as enumerated herein will be duly listed for enrollment as Cherokee citizens by blood.

Final judgment as to the enrollment of her husband, Cicero Davis will be suspended and his name will be placed upon a doubtful card, awaiting satisfactory proof as to his citizenship.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 21st day of February, A. D., 1901.

COMMISSIONER.

C.D. 11-31

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 28 1902

Acting Chairman

Supl.-C.D.#1121.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 19? 1902.

SUPPLEMENTAL in the matter of the application for enrollment of CICERO DAVIS as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 28, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902, and that on said date he might appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting his case. The applicant has this day, to-wit: the 19th day of March, 1902, been called and fails to respond either in person or by attorney and the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---oooOOOooo---

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case had this day, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 27 1902

Cherc. D-1121.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 19, 1903.

In the matter of the application of Cicero Davis for the enrollment of himself as a citizen by blood of the Cherokee Nation.

Applicant appears in person; Cherokee Nation by W. W. Hastings.

The applicant in this case was notified by registered letter on June 7, 1903, to appear before the Commission on or before June 27, 1903, and submit further evidence in regard to his residence in the Cherokee Nation.

Cicero Davis, being sworn and examined by the Commission, testified as follows:

Q What is your name? A Cicero Davis.
Q How old are you? A I was born the last day of September, 1859.
Q What is your postoffice address? A Fawn, Indian Territory.
Q Are you a Cherokee by blood A Yes sir.
Q Where were you born? A In Georgia.
Q When did you first come to the Cherokee Nation? A It must have been in '80 as well as I can recollect, either in '80 or '81, I recollect Sam said I got here a little bit too late to draw the bread money. I believe they made that in '80.
Q You were admitted to citizenship were you not after you came to the Cherokee Nation? A I was admitted before I came. My father and all of us were admitted.
Q Where have you been making your home since you came to the Cherokee Nation? A No where else except here.
Q When you went to Colorado how long were you gone? A About 18 months.
Q Did you go out for your health? A I went out there for a job.
Q Did you ever exercise the right of suffrage out there while you were there? A No sir, never voted and don't own any property.
Q Is that the longest time you have been out of the territory since you came here? A Yes sir, I have never been out thirty days since that.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 25th day of June, 1903.

Notary Public.

Cherokee D 1121.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Cicero Davis as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on February 21,1901, Sidney Davis appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment, among others, of Cicero Davis as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 19,1902 and on June 19,1902. The other parties to the application are differently classified and are not embraced in this decision.

It appears from the evidence that the said Cicero Davis was recognized as a Cherokee, on June 2,1871, by the Chief Justice of the Supreme Court of the Cherokee Nation. The records of the Cherokee Nation in possession of this Commission show that the said Cicero Davis is identified on the 1883-1886-1890 and 1894 pay rolls of said Nation, and on the 1896 census roll of said Nation as a Cherokee by blood.

The evidence further shows that the said Cicero Davis came to the Cherokee Nation in 1880; that he has resided continuously in said Nation since that time, except for a brief trip to the State of Colorado, and that he was a resident of said Nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Cicero Davis should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress, approved June 28,1898 (30 Stats.,495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this SEP 30 1902

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1121.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Sidney Davis for the enrollment of Cicero Davis as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 118.

IN THE MATTER OF THE APPLICATION OF

Vieux Bois

Order to Lodge ... Feby 21 01

Extract application ... Feby 21 01

Notice of final consideration 3/19/01

Certified copy of an application for injunction

To

Check # 1529

Cher D 1122

Cher D 1122

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 23 1901

Acting Chairman

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 21st, 1901.

In the matter of the application of Dollie Harvison for enrollment as a citizen of the Cherokee Nation; said Harvison being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Dollie Harvison.
Q What is your age, Mrs. Harvison? A 37.
Q What is your post office address? A Gibson Station.
Q What district do you live? A It is in the Creek Nation.
Q Who do you desire to enroll? A Myself, only myself.
Q Are you married? A No, I am a widow.
Q What was your name before you were married? A Dollie Mackey.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q What is your father's name? A William Mackey.
Q Is he living? A No, sir, he is dead.
Q What is your mother's name? A Nancy Mackey.
Q Is she dead? A Yes, sir.
Q Mrs. Harvison, your name does not appear upon any of the rolls?
A In 1896 I went to Tahlequah, William Vann was on the citizenship Committee and he said he would enroll, he said he could attend to it for me.
Q Are you a recognized Creek citizen? A No, sir; I am just living here with my children. I have no property at all in the Creek Nation, I have property in the Cherokee Nation.
Q Your name does not seem ~~me~~ to be on the pay roll of 1894, the strip payment roll? A I drew it at Vinita.
Q You are only applying for the enrollment of yourself? A That is all.
Q What about your children? A They are Creek, my husband is a Creek they are enrolled as Creeks.
Q Your name don't appear to be on the pay roll? A I certainly drew the money at Vinita.

Applicants name is identified on the pay roll of 1894, page 204, #1898, as Dolly M. Harrison, Coweescoowee district.

Q Have you got a middle name? A That M was for Mackey.

Com'r Needles:--The name of Dollie Harvison is found upon the pay roll of 1894 ~~xxx identified as~~ as Dolly M. Harrison. Her name cannot be found upon the authenticated roll of 1880 nor the census roll of 1896 and no satisfactory proof as to her citizenship is presented, consequently final judgment as to the enrollment of the said Dollie Harvison as a Cherokee citizen by blood will be suspended and her name will be placed upon a doubtful card, awaiting satisfactory proof as to her citizenship.

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SUPPLEMENTAL TESTIMONY to the above application: ANNIE ELLIOTT being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Annie Elliott.
Q What is your age? A 51 years old.
Q What is your post office? A Muskogee.
Q Do you know Mrs. Harvison here? A Yes, sir.
Q How long have you known her? A All her life.
Q Did you know her mother? A Yes, sir.
Q What was her mother's name? A Nannie Drew.
Q Well, was she a citizen of the Cherokee Nation? A Yes, sir.
Q Recognized by the Cherokee authorities? A Yes, sir.

Q Is her name on the rolls of the Cherokee Nation? A Well, I could not say positive about that.
Q Did you know her father? A Yes, sir.
Q Well was he a Cherokee citizen? A Yes, sir.
Q When did he die? A I could not tell you the date.

Com'r Needles to Applicant, Mrs. Harvison: Let her tell anything that you think would be of benefit to your case, Mrs. Harvison:

The Witness, Mrs. Elliott, continued: I have known all of them ever since I can remember.
Q What degree of blood did her mother have? A I could not tell you how much.

LUCY STARR, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Lucy Starr.
Q What is your age, Mrs. Starr? A 35.
Q What is your post office address? A McKey.
Q Do you know Dollie Harvison? A Yes, sir.
Q What do you know about her father and mother? A Her father was an uncle of mine, Will Mackey, and her mother I don't know, she died before I could remember; I know her father though.
Q Was he a citizen? A Citizen by blood, he was a brother of my father.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 23d day of February, 1901.

Commissioner.

Cherokee-D- 1122

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Dollie Harvison as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on February 21, 1901, Dollie Harvison appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of herself as a citizen by blood of the Cherokee Nation.

The said Dollie Harvison is identified on the 1894 Pay Roll of the Cherokee Nation.

It appears that the said Dollie Harvison is regularly listed for enrollment as a citizen of the Creek Nation on Creek Indian Card Field No. 3261; that she did on July 3, 1901 elect to take her allotment of land in the Creek Nation, and that her name was included in the partial roll of Creek citizens by blood approved by the Honorable Secretary of the Interior, March 28, 1902.

Paragraph eight of the Act of Congress, approved June 28, 1898 (30 Stats., 495) provides:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

It is, therefore, the opinion of this Commission that the application for the enrollment of Dollie Harvison as a citizen by blood of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this JUL 16 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1122.

Muskogee, Indian Territory, July 16, 1902.

W. W. Hastings, Esq.,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of Dollie Harvison for the enrollment of herself as a citizen by blood of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Inc. H-24.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee D 1122.

Muskogee, Indian Territory, August 16, 1902.

W. W. Hastings, Esquire,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, of date July 16, 1902, denying the application of Dollie Harvison for the enrollment of herself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 4th day of August, 1902.

Very respectfully,

Acting Chairman.

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

Cher D 1123

Cher D 1123

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 21st, 1901.

In the matter of the application of Jane S. Garmany for the enrollment of herself and husband as citizens of the Cherokee Nation; said Garmany being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Jane S. Garmany.
Q What is your age? A 33.
Q Your post office address? A Fawn, Indian Territory.
Q What district do you live in? A Canadian
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir, I have been admitted.
Q Who do you desire to have enrolled? A Myself and husband.
Q Where is your husband? A Here he is.
Q What is your husband's name? A Clark B. Garmany.
Q What is his age? A 33.
Q His post office address? A Fawn.
Q Is your husband a recognized citizen of the Cherokee Nation?
A No, he is adopted white.
Q What was your name before you were married? A Jane S. Davis.
Q What was your mother's name? A The same.
Q Is she living? A Yes, sir.
Q Your father's name? A John Davis.
Q Is he living? A No, sir.
Q Have you any certificate of admission? A Yes, sir.

Com'r Needles:--Applicant presents a certificate of admission to Cherokee citizenship issued from the office of the Commission on Citizenship under date of the 18th day of May, 1887, signed by J. T. Adair, Chairman of the Committee, attested by Henry Elfert, Clerk of the Committee on Citizenship, approved and endorsed by D. W. Bushyhead, Principal Chief of the Cherokee Nation, under the seal of the Cherokee Nation; certifying among others that one Jane Davis was admitted to Cherokee citizenship on the 18th day of May, 1887.

Q In the certificate that you present I find the name of Jane Davis, female age 18, are you the identical Jane Davis mentioned in this certificate? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I have lived off and on here for the last, since '87.
Q How much off and how much on? A I live here about half of the year.
Q Where do you live the other half of the year? A At my mother's.
Q Where? A In Georgia at her home.
Q Where were you married? A I was married there but come direct here.
Q When? A March 21, 1895.
Q Have you any certificate of marriage? A Yes, sir; that was my certificate of marriage in the Territory in '95. (Hands paper to Commission.)

Com'r Needles:--Applicant presents a duly authenticated marriage license and marriage certificate certifying that she was married to one Clark B. Garmany, a citizen of the United States, on the 20th day of November, 1895, according to the laws and customs of the Cherokee Nation.

Q The marriage license you present certifies that the marriage license was issued to one Clark B. Garmany to marry Sophronia J. Garmany nee Davis; had you been married previously? A Yes, sir, we were married in Georgia.

Q And afterwards married according to the laws of the Cherokee Nation? A Yes, sir.
Q You are the Sophronia J. Garmany mentioned in this license? A Yes, sir.
Q And the name should have been Jane Sophronia? A Yes, sir.
Q When did you remove permanently to the Cherokee Nation? A In '88, when I moved what property and things I had.
Q What time in 1888? A In the Spring.
Q Have you lived continuously here with your husband since 1888, in the Cherokee Nation? A Not all the time; I have lived several months out of each year.
Q Where have you lived permanently; where is your permanent home? A Well, it is as much here as it is at my mother's.
Q When you talk about your mother's where do you mean? A In Georgia.
Q You are not residing in the State of Georgia now? A No, sir.
Q Have you a home in the Cherokee Nation? A Yes, sir.
Q Do you keep house? A No, sir, I never have kept house since I have been married. I come two years before my father died and after he died my mother came and we staid with me brother in Canadian district until five months before I married and went back to Georgia and after I married there come back. My property and everythings has always remained here.
Q Is your husband engaged in any business in the Cherokee Nation? A No, sir.
Q Is he engaged in any business in Georgia? A No, sir.
Q Well, do I understand from your testimony, Mrs. Garmany, that you have no permanent residence, either in Georgia or in the Cherokee Nation; that you have lived backwards and forwards? A Well I have a place and house on it and what things I own are in Canadian district; at the time of my marriage I had a place in Cooweescoowee.

Tribal rolls of citizens of the Cherokee Nation examined and applicants' names found thereon as follows:

1896 Census Roll; page 166, #1933, Jane Gormany, Cooweescoowee district.

1896 Census Roll; page 306, #401, Clark B. Gormany, Cooweescoowee district.

Com'r Needles:--The name of Jane Garmany is found upon the census Roll of 1896. She makes satisfactory proof of her marriage to one Clark B. Garmany, on the 20th day of November, 1895. She also presents a certificate of admission certifying that she was admitted to Cherokee citizenship on the 18th day of May, 1887, under her maiden name of Jane Davis, the certificate is more fully described in the testimony. The name of her husband, Clark B. Garmany is found upon the census Roll of 1896. They are duly identified according to the page and number of the roll as indicated in the testimony: Proof as to their absolute residence in the Cherokee Nation is not at this time satisfactory and reference is made to the provisions of the Cherokee law approved December 4th, 1894, consequently final judgment as to the enrollment of the said Jane S Garmany as a Cherokee citizen by blood, and her husband, Clark B. Garmany, as a Cherokee citizen by intermarriage, will be suspended and their names will be placed upon a doubtful card.

---cccOOOccc---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 25th day of February, 1901.

I B Needles
Commissioner

Maud Cotner, the undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing copy of testimony, and that the same is a true and complete copy of the original on file with this Commission.

Maud Cotner

Subscribed and sworn to before me this 14" day of August, 1903.

Charles J. Sawyer
Notary Public.

Supl.-C.D.#1123.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 19, 1902.

SUPPLEMENTAL in the matter of the enrollment of CLARK B. GORMANY, ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 28, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902 and that on said date he might appear before the Commission and introduce any further testimony affectin his case. This applicant has this day, to-wit: the 19the day of March, 1902, been called and fails to res ond either in person or by attorney.

Mr. Hastings, Cherokee representative:
Comes now the re resentatives of the Cherokee Nation and move for a continuance in this case because they have been advised that he is a non-resident of the Indian Territory and they expected to develop that fact by the cross-examination of the applicant himself, but that he has not appear in person, and neither do the records of the Commission show that he has acknowledged receipt of their letter addressed to him at Fawn the post office address he gave them when he enrolled.

Commission: The request of the Cherokee Nation will be complied with, and the case will be continued until the 5th day of April, 1902.

---oooOOOooo---

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes, that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Maud Cotner, the undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above copy of testimony and that the same is a true and complete copy of an original on file with this Commission.

Maud Cotner

Subscribed and sworn to before me this 14" day of August, 1903.

Charles R. Jacoyer
Notary Public.

To be filed in C. D. 1123.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 5, 1902.

In the matter of the application of Clark B. Garmany for the enrollment of himself and wife as citizens of the Cherokee Nation.

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The applicant in this case was notified by registered letter February 28, 1902, that his application for the enrollment of himself and wife as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on the 19th day of March, 1902.

Receipt was acknowledged of the Commission's letter, the same having been signed by Mrs. Jane S. Davis Garmany, signature of the addressee and C. B. Garmany, signature of addressee's agent.

On said date to-wit: the 19th day of March, 1902, the case was continued at the request of the representatives of the Cherokee Nation.

By W. W. Hastings:

Come now the representatives of the Cherokee Nation and moves for further continuance in this case for the reason that the Cherokee Nation has attempted to get service upon the applicant Clark B. Garmany but, as yet, has been unable to do so, and information has been given the representatives of the Cherokee Nation that he is not a resident of the Cherokee Nation, and additional time is requested in which to produce witnesses to prove this, if it be a fact.

Commission:

The motion of the representatives of the Cherokee Nation will be entertained and the case continued until May 6, 1902.

--o--

I, the undersigned stenographer to the Commission to the Five Civilized Tribes, do hereby certify that I recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

E. C. Rothenberger.

Maud Cotner, the undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing copy of testimony and that the same is a true and complete copy of the original on file with this Commission.

Maud Cotner

Subscribed and sworn to before me this the 14th day of August, 1903.

Charles W. Sawyer
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 6, 1902.

In the matter of the application of Clark B. Garmany et al for enrollment as citizens of the Cherokee Nation.

SUPPLEMENTAL TO D-1123.

Cherokee Nation represented by W. W. Hastings.

MACK ALFRED, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Alfred.
Q Alfred what? A Mack Alfred; Mack is my given name.
Q What is your age, Mr. Alfred? A 30 years old.
Q What is your post office? A Fawn.
Q In the Cherokee Nation? A Yes, sir.
Q Is that down here in Canadian District? A Yes, sir.
Q How far do you live from Fawn? A Two miles and a half.
Q How long has that been your postoffice? A Well ever since there has been a post office there, about seven years.
Q About seven years? A Yes, sir.
Q Do you know Clark B. Garmany? A I have seen him.
Q You have seen him? A Yes, sir, a time or two.
Q Do you know his wife? A Yes, sir, I know her.
Q Who did he marry? A He married a Davis.
Q Davis? A Yes, sir.
Q Has Clark B. Garmany ever lived down in the vicinity of Fawn?
A No, sir, he never has.
Q Some of his wife's people live down there? A Yes, sir, she has brothers and sisters that live near Fawn.
Q He has never lived there? A No, sir, he has never lived there himself.
Q Do you know where he is now from any information that you have?
A Why he was at Amarillo, Texas, the last time I heard of him.
Q How did you get that information? A Well I got it from her brothers, you know.
Q You got it from Garmany's wife's brothers? A Yes, sir.
Q Some of them live out there in that neighborhood? A Yes, sir, they live right there by me and I got my information.
Q Has he ever had any home down there so far as you know? A No, sir.
Q Well do you know where he was married to this woman, his wife?
A In Georgia.
Q In Georgia? A Yes, sir.
Q When did he come from Georgia out to that country, do you know?
A Well it was last, it was early last spring sometime; I don't know just exactly when it was; it was in the spring if my memory serves me right.
Q Is that the first time you ever saw him or heard of him down in that neighborhood, near Fawn? A Well he come there one time before, but I think he was going to Texas then looking out a location in Texas.
Q Just coming through there? A Yes, sir.
Q And you are well acquainted in about Fawn are you? A Yes, sir, I have lived there for ten years, I ought to be.
COMMISSION: How long have you known the principal applicant in this case, Clark B. Garmany? A Why I have seen him about three years ago I reckon.
Q Where was he when you first knew him? A He was at Cicero Davis's.

Q Where is that? A My neighbors, live there neighbors to me.
Q You say that was about three years? A I think it was if my memory serves me right.
Q Well was Garmany living in that neighborhood at the time? A No, sir, he was just passing through.
Q Just passing through? A Yes, sir.
Q Did you hear him say where he lived them? A Well I never heard him say, no, sir.
Q Did you hear him say where he was going? A No, sir, he didn't say where he was going.
Q What time of the year was that, summer or fall or spring? A It was in the spring.
Q Just about three years ago now them? A No, this last time I seen him.
Q I mean the first time you got acquainted with him? A The first time I ever seen him, I ain't sure, but the first time I think was in the fall that I seen him.
Q Well when did you see him next? A Why it was early last spring, that is, he was passing through there going to Texas, and I seen him
Q You don't know it of your own knowledge; know where this man lived from the first time you saw him up to the last time you saw him; have you ever been to his house? A No, sir.
Q Have you ever heard him say where he lived between those two times that you first and last saw him? A No, sir, I never heard him say; I dhadn't no conversation with the man at all.
Q You didn't know anything of your own knowledge about where this man lives, do you? A No, sir, not only just what I hear his people say, talking about them.
Q But he has never lived out there in that neighborhood where you live? A No, sir, he has never lived there.

J. C. STARR, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A J. C. Starr.
Q What's your postoffice? A Vinita.
Q Are you stenographer for the Cherokee Nation? A Yes, sir.
Q You know of Clark B. Garmany, don't you? A Yes, sir.
Q You sent him a notice, did you, to - A I sent a due notice to Amarillo, Texas.
Q Was that notice returned? A A return card was returned signed I think.

COMMISSION: The applicant was notified originally by registered mail to appear on the 19th day of March, 1902, for the purpose that on said date he might offer any further testimony he desired affecting his case. The applicant failed to appear, and upon the request of the Cherokee Nation the cause was continued until May 5. On May 5 this cause was continued until the 6th.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G Croninger

Subscribed and sworn to before me this 7th day of May, 1902.

P G Reuter
Notary Public.

(seal)

Maud Cotner, the undersigned, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing copy of testimony, and that the same is a true and complete copy of the original on file in the office of this Commission.

Maud Cotner

Subscribed and sworn to before me this the 14th day of August, 1903.

Charles H. Sawyer
Notary Public.

Cher-D-1123.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 30, 1902.

In the matter of the application of Jane S. Garmony for enrollment as a Cherokee by blood, and for the enrollment of her husband Clark B. Garmany for enrollment as a citizen by intermarriage of the Cherokee nation.

Jane S. Garmany being first duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Jane S. Garmany.
Q How old are you? A I was born in '67. Thirty-five years old.
Q Are you a citizen by blood of the Cherokee nation? A Yes sir.
Q What is your husband's name? A Clark B. Garmany.
Q What is your postoffice address at this time? A Amarilla, Texas.
Q When were you married to Mr. Garmany? A I was married to him in Georgia in March, 1895, and I was married in Claremore, sometime the same year,-1895.
Q Under a Cherokee license the last time? A Yes sir.
Q Were you admitted to citizenship after you came to the Cherokee Nation from Georgia A Do you mean after I was married?
Q Yes. A No, I was admitted before.
Q What year were you admitted? A It must be fourteen years ago; it was the year we came here.
Q When did you first come to the Cherokee Nation from Georgia? A When I was about sixteen years old.
Q How long would that be? A It would be about 19 years wouldn't it?
Q You came to the Cherokee nation about 19 years ago? A Yes, that was the first time. I wasn't admitted to citizenship until about 14 years ago.
Q Where were you living when you were admitted to citizenship? A I was with my brother down here near Fawn.
Q Did you go back to Georgia after that? A Yes.
Q And you was married back there after you was admitted? A Yes, but I didn't reside allthe time there; part of the time there and part of the time here.
Q How long had you been back in Georgia before you were married? A The last time some 4 or 5 months. I suppose I went back sometime in October or November and came back the following March.
Q Married in March and came to the Territory when, after you were married?
A About in October, I think I went back--
Q Where is your husband? A He is near Amarilla.
Q He did not come here? A No sir.
Q Were you ever married before you married Clark B. Garmany? A No sir.
Q Have you and he been living together ever since his marriage to you up to the present time? A Yes sir.
Q You have never been separated? A No sir.
Q You and he were living together on September 1, 1902? A Yes sir.
Q How long, Mrs. Garmany, after you and your husband were married here in 1895 under a Cherokee marriage license, did you and he stay in the Territory? A I suppose two or three months.
Q Where did you stay? A Staid at Vinita part of the time, and then came down here.
Q Down where? A At Fawn.
Q At your brothers? A Yes. I had a place near there but I never lived on it. I had just a house, and I sold the place in Cooweescoowee and came down there.
Q When you came down to your brothers, you stopped at your brothers?
A Yes--not altogether; part of the time we was at Vinita.
Q Where did you stay there? A At Hall, Hills and Pattens.
Q Just visited among your relatives? A Yes sir.

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Q Then you went down to Fawn? A Yes, and visited there.
Q Where did you go from there? A Back east to my mothers home.
Q In Georgia? A Yes sir.
Q How long did you stay there on that trip? A That was in 1895; as well as I can remember I staid sometime until the following year.
Q Did Mr. Garmany go with you? A Yes, he went with me back.
Q What time the following year did you come back? A That was in 1895; it was during the summer sometime.
Q Summer of 1896? A Yes.
Q Where did you come to? A To my brothers.
Q You staid at your brothers that summer? A Yes, Mr. Garmany didn't come with me.
Q Where was he? A At Georgia at my mothers.
Q How long did you stay at your brothers? A Probably a month or six weeks.
Q Then where did you go? A I went back to my mothers.
Q How long did you stay when you went back? A I staid all the rest of that summer--all the rest of that year, and every year since---
Q Now, then, you staid the balance of the year 1896? A Yes sir.
Q Then where did you go the next year? A I just staid there all the time with the exception of a trip here during the summer.
Q You came out here in the summer of 1897? A Yes.
Q Was Mr. Garmany with you? A No, he didn't come back.
Q He staid back in Georgia? A Yes--he came in 1897 early in the spring, but he came back and then I came out that summer.
Q You came out and staid at your brothers? A Yes.
Q How long? A It must have been longer than the other time, like a month or six weeks.
Q Then you went back to Georgia? A Yes.
Q How long did you stay in Georgia that trip? A Until the next year.
Q Your husband in Georgia with you? A Yes, he was there all the time.
Q When did you come the next time? A I would not be positive just as to the dates; sometime in the spring.
Q How long did you stay that summer? A Just like I did before.
Q A month or six weeks? A Yes.
Q Staid with your brother? A Yes, staid with my brothers; I have four of them.
Q Garmany didn't come with you that summer? A No.
Q He staid back in Georgia? A Yes sir.
Q How long when you went back in 1898 did you stay in Georgia? A Just the same as I did before.
Q And came back in 1899 again in the summer? A 1899, the summer--it was either the summer or the late spring.
Q In 1899? A Yes sir.
Q Your husband didn't come with you? A No.
Q You staid with your brothers again? A Yes.
Q About the same length of time? A Yes, I was trying to think when it was they enrolled.
Q That was 1900. A He came with me in the fall.
Q He didn't come with you in 1899? A No.
Q In 1899 you staid at your brothers like you had before? A Yes.
Q And went back to Georgia again? A Yes.
Q And staid in Georgia the balance of the year until the next year?
A That was 1900?
Q Yes. A And then he was with me when we enrolled up there--I mean before up at Claremore, if you can remember just when; that was the only time.
Q Was it in the summer time? A No, it was in the fall; it was sometime- you know when they were making the rolls.
Q 1900? A Yes.
Q Were you up there? A Yes, I was at Claremore.
Q Your husband was with you that time? A Yes sir.

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Q That was the first trip he came out here? A Since we were married, yes.
Q How long did you and he stay here that trip? A We come sometime in August, and I think we got back in November.
Q Back in Georgia? A Yes, we went back there.
Q When did you come out again after that? A Well, I think I came out the next---no, he came out the next spring. After we went out that time to be enrolled, then he came out.
Q You didn't come with him? A No.
Q How long did he stay here then? A I suppose he was gone three or four months.
Q Then he came back to Georgia? A Yes, and then we wasn't here any more until enrolling. Was it March, last year?
Q February. Then you and he were back in February, 1901? A Yes sir.
Q How long did you stay in February, 1901? A I was here probably a month but he was here longer than that--than I was. He staid and I went back.
Q Then where did he go from here? A Went back to Georgia.
Q And when did he and you finally leave Georgia? A He left Georgia sometime last July--this July past.
Q That would be July, 1901? A Yes.
Q Where did he go from Georgia? A He went directly down to Amarilla after he was here and staid two or three weeks, and then he went home two or three weeks at Georgia, and then went directly back to Amarilla, Texas.
Q He has lived there then, ever since? A Yes sir.
Q When did you go there? A January, this year.
Q January, 1902? A Yes sir.
Q Since you married Mr. Garmany your home has been principally in Georgia, hasn't it? A Yes, that's where I reside, at my mother's home.
Q And Garmany lives there with you? A Yes, he did live there with me.
Q You and he never kept house here in the Indian Territory, have you?
A No, we never did.
Q The only times you have been here were the times you speak of, on visits?
A Yes, since we have been married.
Q And once every summer since 1895, you have been out here and spent a month or six weeks?
A Yes, not longer than that, anyway.
Q You have had a farm here all the time but you and Garmany neither one ever lived in the farm? You kept that rented out? A Yes, what property I ever owned was here, and my brother managed it.

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Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this November 11th,1902.

(seal) B C Jones
Notary Public.

Maud Cotner, the undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing copy of testimony and that the same is a true and complete copy of the original on file with this Commission.

Maud Cotner

Subscribed and sworn to before me this the 14th day of August, 1903.

Chas. J. Jaquys
Notary Public.

1199

RECEIVED
MAR 9 1902
ACTING CHAIRMAN

To be filed in C. D-1183.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 5, 1902.

In the matter of the application of Clark B. Garmany for the enrollment of himself and wife as citizens of the Cherokee Nation.

—o—

The applicant in this case was notified by registered letter February 28, 1902, that his application for the enrollment of himself and wife as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on the 19th day of March, 1902.

Receipt was acknowledged of the Commission's letter, the same having been signed by Mrs. Jane S. Davis Garmany, signature of the addressee and C. B. Garmany, signature of addressee's agent.

On said date to-wit: the 19th day of March, 1902, the case was continued at the request of the representatives of the Cherokee Nation.

By W. W. Hastings:

Come now the representatives of the Cherokee Nation and moves for further continuance in this case for the reason that the Cherokee Nation has attempted to get service upon the applicant Clark B. Garmany, but, as yet, has been unable to do so, and information has been given the representatives of the Cherokee Nation that he is not a resident of the Cherokee Nation, and additional time is requested in which to produce witnesses to prove this, if it be a fact.

Commission:

The motion of the representatives of the Cherokee Nation will be entertained and the case continued until May 6, 1902

—o—

I, the undersigned stenographer to the Commission to the Five Civilized Tribes, do hereby certify that I recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

E. Rubenstein

MAY 23 1902

D. 1125.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 6, 1902.

In the matter of the application of Clark B. Garmany et al for enrollment as citizens of the Cherokee Nation.

SUPPLEMENTAL TO D-1125.

Cherokee Nation represented by W. W. Hastings.

MACK ALFRED, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Alfred.
Q Alfred what? A Mack Alfred; Mack is my given name.
Q What is your age, Mr. Alfred? A 30 years old.
Q What is your postoffice? A Fawn.
Q In the Cherokee Nation? A Yes, sir.
Q Is that down here in Canadian District? A Yes, sir.
Q How far do you live from Fawn? A Two miles and a half.
Q How long has that been your postoffice? A Well ever since there has been a postoffice there, about seven years.
Q About seven years? A Yes, sir.
Q Do you know Clark B. Garmany? A I have seen him.
Q You have seen him? A Yes, sir, a time or two.
Q Do you know his wife? A Yes, sir, I know her.
Q Who did he marry? A He married a Davis.
Q Davis? A Yes, sir.
Q Has Clark B. Garmany ever lived down in the vicinity of Fawn?
A No, sir, he never has.
Q Some of his wife's people live down there? A Yes, sir, she has brothers and sisters that live near Fawn.
Q He has never lived there? A No, sir, he has never lived there himself.
Q Do you know where he is now from any information that you have?
A Why he was at Amarillo, Texas, the last time I heard of him.
Q How did you get that information? A Well I got it from her brothers, you know.
Q You got it from Garmany's wife's brothers? A Yes, sir.
Q Some of them live out there in that neighborhood? A Yes, sir, they live right there by me and I got my information.
Q Has he ever had any home down there so far as you know? A No, sir.
Q Well do you know where he was married to this woman, his wife?
A In Georgia.
Q In Georgia? A Yes, sir.
Q When did he come from Georgia out to that country, do you know?
A Well it was last, it was early last spring sometime; I don't know just exactly when it was; it was in the spring if my memory serves me right.
Q Is that the first time you ever saw him or heard of him down in that neighborhood, near Fawn? A Well he come there one time before, but I think he was going to Texas then looking out a location in Texas.
Q Just coming through there? A Yes, sir.
Q And you are well acquainted in about Fawn are you? A Yes, sir, I have lived there for ten years, I ought to be.
COMMISSION: How long have you known the principal applicant in this case, Clark B. Garmany? A Why I have seen him about three years ago I reckon.
Q Where was he when you first knew him? A He was at Cicero Davis's.

Q Where is that? A My neighbors, live there neighbors to me.
Q You say that was about three years? A I think it was if my memory serves me right.
Q Well was Garmany living in that neighborhood at the time? A No, sir, he was just passing through.
Q Just passing through? A Yes, sir.
Q Did you hear him say where he lived then? A Well I never heard him say, no, sir.
Q Did you hear him say where he was going? A No, sir, he didn't say where he was going.
Q What time of the year was that, summer or fall or spring? A It was in the spring.
Q Just about three years ago now then? A No, this last time I seen him.
Q I mean the first time you got acquainted with him? A The first time I ever seen him, I ain't sure, but the first time I think was in the fall that I seen him.
Q Well when did you see him next? A Why it was early last spring, that is, he was passing through there going to Texas, and I seen him.
Q You don't know it of your own knowledge; know where this man lived from the first time you saw him up to the last time you saw him; have you ever been to his house? A No, sir.
Q Have you ever heard him say where he lived between these two times that you first and last saw him? A No, sir, I never heard him say; I hadn't no conversation with the man at all.
Q You didn't know anything of your own knowledge about where this man lives, do you? A No, sir, not only just what I hear his people say, talking about them.
Q But he has never lived out there in that neighborhood where you live? A No, sir, he has never lived there.

J. C. STARR, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A J. C. Starr.
Q What's your postoffice? A Vinita.
Q Are you stenographer for the Cherokee Nation? A Yes, sir.
Q You know of Clark B. Garmany, don't you? A Yes, sir.
Q You sent him a notice, did you, to - A I sent a due notice to Amarillo, Texas.
Q Was that notice returned? A A return card was returned signed I think.

COMMISSION: The applicant was notified originally by registered mail to appear on the 19th day of March, 1902, for the purpose that on said date he might offer any further testimony he desired affecting his case. The applicant failed to appear, and upon the request of the Cherokee Nation the cause was continued until May 5. On May 5 this cause was continued until the 6th.

Arthur C. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.
Subscribed and sworn to before me this 7th day of May, 1902.

Notary Public.

Cher-D-1123.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee,I.T.,October 30,1902.

In the matter of the application of Jane S. Garmony for enrollment as a Cherokee by blood, and for the enrollment of her husband Clark B. Garmany for enrollment as a citizen by intermarriage of the Cherokee nation.

Jane S. Garmany being first duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Jane S. Garmany.
Q How old are you? A I was born in '67. Thirty-five years old.
Q Are you a citizen by blood of the Cherokee nation? A Yes sir.
Q What is your husband's name? A Clark B. Garmany.
Q What is your postoffice address at this time? A Amarilla, Texas.
Q When were you married to Mr. Garmany? A I was married to him in Georgia in March, 1895, and I was married in Claremore sometime the same year,-1895.
Q Under a Cherokee license the last time? A Yes sir.
Q Were you admitted to citizenship after you came to the Cherokee nation from Georgia A Do you mean after I was married?
Q Yes. A No, I was admitted before.
Q What year were you admitted? A It must be fourteen years ago; it was the year we came here.
Q When did you first come to the Cherokee nation from Georgia? A When I was about sixteen years old.
Q How long would that be? A It would be about 19 years wouldn't it?
Q You came to the Cherokee nation about 19 years ago? A Yes, that was the first time. I wasn't admitted to citizenship until about 14 years ago.
Q Where were you living when you were admitted to citizenship ? A I was with my brother down here near Fawn.
Q Did you go back to Georgia after that? A Yes.
Q And you was married back there after you was admitted? A Yes, but I didn't reside all the time there; part of the time there and part of the time here.
Q How long had you been back in Georgia before you were married? A The last time some 4 or 5 months. I suppose I went back sometime in October or November and came back the following March.
Q Married in March and came to the Territory when, after you were married?
A About in October, I think I went back--
Q Where is your husband? A He is near Amarilla.
Q He did not come here? A No sir.
Q Were you ever married before you married Clark B. Garmany? A No sir.
Q Have you and he been living together ever since his marriage to you up to the present time? A Yes sir.
Q You have never been separated? A No sir.
Q You and he were living together on September 1, 1902? A Yes sir.
Q How long, Mrs. Garmany, after you and your husband were married here in 1895 under a Cherokee marriage license, did you and he stay in the Territory? A I suppose two or three months.
Q Where did you stay? A Staid at Vinita part of the time, and then came down here.
Q Down where? A At Fawn.
Q At your brothers? A Yes . I had a place near there but I never lived on it. I had just a house, and I sold the place in Ceweescoowee and came down there.
Q When you came down to your brothers, you stopped at your brothers?
A Yes--not altogether; part of the time we was at Vinita.
Q Where did you stay there? A At Hall, Hills and Pattons
Q Just visited among your relatives? A Yes sir.

Q Then you went down to Fawn' A Yes, and visited there.
Q Where did you go from there? A Back east to my mothers home.
Q In Georgia? A Yes sir.
Q How long did you stay there on that trip? A That was in 1895; as well as I can remember I staid sometime until the following year.
Q Did Mr. Garmany go with you? A Yes, he went with me back.
Q What time the following year did you come back? A That was in 1895; it was during the summer sometime.
Q Summer of 1896? A Yes.
Q Where did you come to? A To my brothers.
Q You staid at your brothers that summer? A Yes, Mr. Garmany didn't come with me.
Q Where was he? A At Georgia at my mothers.
Q How long did you stay at your brothers? A Probably a month or six weeks.
Q Then where did you go? A I went back to my mothers.
Q How long did you stay when you went back? A I staid all the rest of that summer--all the rest of that year, and every year since---
Q Now, then, you staid the balance of the year 1896? A Ys sir.
Q Then where did you go the next year? A I just staid there all the time with the exception of a trip here during the summer.
Q You came out here in the summer of 1897? A Yes.
Q Was Mr. Garmany with you? A No, he didn't come back.
Q He staid back in Georgia? A Yes--he came in 1897 early in the spring, but he came back and then I came out that summer.
Q You came out and staid at your brothers? A Yes.
Q How long? A It must have been longer than the other time, like a month or six weeks.
Q Then you went back to Georgia? A Yes.
Q How long did you stay in Georgia that trip? A Until the next year.
Q Your husband in Georgia with you? A Yes, he was there all the time.
Q When did you come the next time? A I would not be positive just as to the dates; sometime in the spring.
Q How long did you stay that summer? A Just like I did before.
Q A month or six weeks? A Yes,
Q Staid with your brother? A Yes, staid with my brothers; I have four of them.
Q Garmany didn't come with you that summer? A No.
Q He staid back in Georgia? A Yes sir.
Q How long when you went back in 1898 did you stay in Georgia? A Just the same as I did before.
Q And came back in 1899 again in the summer? A 1899, the summer-- it was either the summer or the late spring.
Q In 1899? A Yes sir.
Q Your husband didn't come with you' A No.
Q You staid with your brothers again? Yes.
Q About the same length of time? A Yes, I was trying to think when it was they enrolled.
Q That was 1900. A He came with me in the fall.
Q He didn't come with you in 1899? A No.
Q In 1899 you staid at your brothers like you had before? A Yes.
Q And went back to Georgia again? A Yes.
Q And staid in Georgia the balance of the year until the next year?
A That was 1900?
Q Yes. A And then he was with me when we enrolled up there--I mean before up at Claremore, if you can remember just when; that was the only time.
Q Was it in the summer time? A No, it was in the fall; it was sometime- you know when they was making the rolls.
Q 1900? A Yes.
Q Were you up there? A Yes, I was at Claremore.
Q Your husband was with you that time? A Yes sir.

Cherokee D-1125.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Clark B. Garmany as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Jane S. Garmany, as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on February 21, 1901, Jane S. Garmany appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself as a citizen by blood of the Cherokee Nation, and for the enrollment of her husband, Clark B. Garmany, as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application on May 6, and October 30, 1902, at Muskogee, Indian Territory.

The evidence in this case shows that Jane S. Garmany, under her maiden name of Jane Davis, was admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation, on May 18, 1887. Clark B. Garmany, her husband, was lawfully married to the said Jane Davis, under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation, on November 20, 1895. They are both identified on the Cherokee census roll of 1896.

The evidence further shows that said Clark B. Garmany and his wife, Jane S., have been living principally in the State of Georgia, and making their home there, ever since they were married.

Paragraph nine, Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides that "no person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of said Clark B. Garmany as a citizen by intermarriage, and for the enrollment of his wife, Jane S. Garmany, as a citizen by blood of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this DEC 10 1902

Cherokee Nation, I.T.
Cooweescoowee District.

TO ANY PERSON LEGALLY AUTHORIZED TO SOLEMNIZE MARRIAGE; GREETING:

You are hereby authorized to join in the Holy Bonds of Matrimony and to celebrate the rites and ceremonies of Marriage between Mr.Clark B.Garmany, a citizen of the United States, and Mrs. Saphronia J.Garmany (nee) Davis, a citizen of the Cherokee Nation, according to the usual custom and laws of the Cherokee Nation and you are required to return this License to me, for record, within thirty days from the celebration of such Marriage together with a certificate of the same appended thereto and signed by you.

Given under my hand and seal of office on this the 20th,day of November, 1895.

Joe M.LaHay, Clerk of
Coweescoowee District, Cher. Nat.

(SEAL)
By Fred McDaniell,
Deputy Clerk, C.D.C.N.

This certifies that I, Joe M. Lahay, Clerk of Cooweescoowee District, Celebrated the rites and ceremonies of Marriage between C.B.Garmany and Mrs.S.J.Garmany (nee Davis) according to the laws and customs of the Cherokee Nation.

This 21st day of November, 1895.

J.M.Lahay,
Clerk Cooweescoowee Dist.C.N.

Recorded on page 81 of Book "E" Marriage Record of Cooweescoowee District, Cherokee Nation.

This 21st Nov., 1895.

J.M.Lahay,
Clerk Coo.Dist.C.N.

Department of the Interior,
Commission to the Five Civilized Tribes.

Muskogee, Ind.Ter., June 5, 1902.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application of Clark B.Garmany et al. D 1123.

Retta Chick.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 14, 1903.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of a certified copy offered in evidence in the matter of the application for enrollment of Cherokee D 1123.

Commissioner.

No. 17.

John Davis, aged fifty-eight years, born and raised in the state of Georgia, and comes into the Cherokee Nation in April 1871, and has a wife and eight children in Georgia, named as follows: Jane S., his wife, and children as follows, George A. Davis, aged twenty one years, Samuel Davis, nineteen years old, Susanna Davis seventeen years old, Daniel Davis, fifteen years old, Cicero Davis thirteen years old, John Davis six years old, Jane S. Davis about four years old, Robert Davis one year old. Said John Davis claims that he and his children are of Cherokee blood, and wishes to establish his rights and that of his children to Cherokee Citizenship, and introduces John Martin as witness to prove their claim as such.

Cherokee Nation,)
Tahlequah.)
)

Personally comes before me, R. B. Daniel, Chief Justice of the Supreme Court, John Martin, and being duly sworn, deposeth and sayeth that he is well acquainted with the above claimant, and that he is a Cherokee by blood by his mother and his children naturally follow as Cherokees.

John Martin.

Sworn to and subscribed before me this 2nd day of June 1871.

R. B. Daniel,

Chief Justice Supreme Court.

The above is satisfactory to me that John Davis and family are Cherokees.

R. B. Daniel,

C.J.S.C.

Executive Department,
Cherokee Nation,
Tahlequah, Ind. Ter.,
Feb. 28th, 1901.

I, A. B. Cunningham, assistant Executive Secretary of the Cherokee Nation, do hereby certify that the above and foregoing is a true and correct transcript of number 17, of the Citizenship Docket of 1871, used by what is known as the "Bob Daniel" Court, Said Docket now being a part of the records of this office.

In testimony whereof I hereunto set my hand and seal of the Cherokee Nation, this the 28th day of Feb. 1901.

(SEAL)

A. B. Cunningham,
Assistant Executive Secretary.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 14, 1903.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of a certified copy offered in evidence in the matter of the application for enrollment of Cherokee D 1123.

Commissioner.

Cherokee D #1123

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jane S. Garmany as a citizen by blood of the Cherokee Nation:

D E C I S I O N

The record in this case shows that on February 21, 1901, Jane S. Garmany appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of herself as a citizen by blood of the Cherokee Nation. The application also included Clark B. Garmany, husband of said Jane S. Garmany, who claims right to enrollment as a citizen by intermarriage of the Cherokee Nation, but the status of such persons not being fixed at this time, the said Clark B. Garmany is not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on May 6 and October 30, 1902. On December 10, 1902, the Commission rendered a decision in the matter of said application and forwarded the same to the Department of the Interior for approval. The Department did not approve said decision but, under date of July 28, 1903, returned the record in said case to the Commission for readjudication.

The evidence shows that the applicant, Jane S. Garmany, under her maiden name of Jane Davis, was admitted to citizenship in the Cherokee Nation, by the duly constituted authorities thereof, on May 18, 1887.

The evidence further shows that the applicant, Jane S. Garmany, has never removed to and in good faith settled in the Cherokee Nation, and that the only times she has been in said nation was while on visits thereto.

Paragraph Nine, Section Twenty-one, of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides:

> "No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

Cherokee D #1123

It is, therefore, the opinion of this Commission that, under the law above quoted, the application for the enrollment of Jane S. Garmany as a citizen by blood of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Chairman.

(SIGNED). C. R. Breedlove.
Commissioner.

(SIGNED). W. E. Stanley.
Commissioner.

Commissioner.

Muskogee, Indian Territory,

this 28 Dec 3

I hold that under the agreement case the applicant should be enrolled as a Cherokee citizen by blood

(SIGNED) C. R. Breedlove.

FILED
MAR 21 1905
COMMISSION TO FILE TITLES

Cherokee-D-1123.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee Indian Territory, March 8, 1905.

In the matter of the application for the enrollment of Clark B. Garmany as a citizen by intermarriage of the Cherokee Nation.

Jane S. Garmany, being duly sworn, testified as follows:

Q. What is your name? A. Jane S. Garmany.
Q. Are you a Cherokee by blood? A. Yes sir.
Q. You now appear on behalf of your husband? A. Yes sir.
Q. What is his name? A. Clark B. Garmany.
Q. He is a white man? A. Yes sir.
Q. Claims no right as a Cherokee by blood? A. No sir.
Q. When were you married? A. In October, 1898.
Q. Are you his first wife? A. Yes sir.
Q. Is he your first husband? A. Yes sir.
Q. Since your marriage have you lived together as husband and wife? A. Yes sir.
Q. No separation, abandonment, or divorce? A. No sir.
Q. Have you lived in the Cherokee Nation? A. I have lived in Texas for the last three years upuntil September last.
Q. When did you go to Texas? A. 3 years ago last December. I went in December 1901.
Q. Did your husband go with you? A. Yes sir.
Q. And he is living with you down in Texas now? A. No, we are not living in Texas now, but we did live there until last September
Q. Since then you have moved back to the Cherokee Nation? A. Since then we moved to Oklahoma to the oil mills, and two months ago we came here. My husband is now in Florida for his health, and I am in the Cherokee Nation.
Q. What were you doing in Texas? A. In the ranch business.
Q. Did you have any property in the Cherokee Nation? A. Yes sir.
Q. What is your post office address? A. Fawn, I.T.

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the above case on the 8th. day of March, 1905, and that the above is a complete transcript of her notes taken in said cause on said date

Eula Jeanes Branson

Subscribed and sworn to before me this the 18th. day of March, 1905.

Myron White

Notary Public.

T.W.L. Cherokee D 1123

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Clark B. Garmany, as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, February 21, 1901, application was received by the Commission to the Five Civilized Tribes for the enrollment of Clark B. Garmany as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 19,1902, April 5,1902, May 6, 1902, October 30, 1902 and March 8, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Clark B. Garmany, is a white man and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than such right as he may have acquired by virtue of his marriage to Jane S. Garmany, nee Davis, a citizen by blood of the Cherokee Nation, her name being found opposite No. 32196 on the approved partial roll of citizens by blood of the Cherokee Nation, in the Cherokee Nation, on November 21,1895. Said applicant did not therefore, marry a citizen by blood of the Cherokee Nation prior to November 1, 1875.

IT IS THEREFORE ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5,1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Clark B. Garmany, is not entitled under the provisions of section 21 of the Act of Congress approved June 28,1898 (30 Stats., 495) to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly denied.

Commissioner

Dated at Muskogee, Indian Territory

this FEB 13 1907

ATTORNEYS
L. B. BELL
W. W. HASTINGS
J. S. DAVENPORT
J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

MUSKOGEE, IND. TER. March, 25, 1902.

The Post Master,

Fawn, I. T.

Dear Sir:-

A man by the name of Clark B. Garmany has applied to the United States Commission for enrollment, and claims his post office address is Fawn, I. T., and he says that he has lived there continuously since 1887. Please give us the name of any ~~respectable~~ responsible Cherokee Citizen, who lives in the community near where Clark B. Garmany lives, and who has lived there for a long time, who would know exactly how long Garmany lived there, and who would know exactly where Garmany lives now. Thanking you for an early reply, I am,

Yours truly,

J. C. Starr

FAWN, IND. TER.

MAR 26 1902

Yours just Rec'd. I do not know who might know Mr Garmany Mr Cicero Davis & Mr Jack Duncan both know him: but I think both of them are some akin to him, will give you a few names of old citizens that might know him.

+ L. K. Coody — Fawn. I. T.
+ W. R. or Jo. A. Mulky "
W. B. Beck. "
Mack Alfred "
John Harmon "
F. Farmer "

Clark B. Garmany's Present Address is Amarillo Tex.

Respectfully W. F. Coone

April the first 1902

Seaman P O Ind. Ter

Mr J C Stamp

Dear Sir yours of march the 29 is at hand you wanted to know thing about Clark B Gormony if there is a man by that name I do not know him but there may be one

Yours truly

Lewis E Cooley

...OFFICE OF...

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE ENROLLMENT

W. W. HASTINGS, ATTORNEY
J. G. STARR, SECRETARY

MUSKOGEE, IND. TER. April, 16, 1902.

Dear Sir:-

Please advise me if you are acquainted with Clark B. Garmany, and if so advise me where this man has lived since 1887. Clark B. Garmany has applied to the United States Commission for enrollment, and claims his post office is Fawn, I. T., and say s he has lived there continuously since 1887. We have been advised that he is now living at Amarillo, Texas, and that he has not lived in the Cherokee Nation very much. If you are acquainted with him, please give us the facts about this case, and advise us if he has any improvements in the Cherokee Nation at this time, and what you know about his residence since 1887.

Yours very truly,

Copies of this letter were sent to the following parties:

L. A. Mulkey, Fawn, I. T.

W. D. Beck, " "

Mack Alfred, " "

Jack Harmon, " "

F. Farmer, " "

Jack Dannegan, " "

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1123.

Muskogee, Indian Territory, December 19, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, rejecting the application of Jane S. Carmany for the enrollment of herself as a citizen by blood, and for the enrollment of her husband, Clark B. Carmany, as a citizen by intermarriage, of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enclosure H. No. 377.

1129

COMMISSIONERS
TAMS, BIXBY,
THOMAS B NEEDLES,
C R BRECKINRIDGE,
W E STANLEY

ALLISON L AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1123.

Muskogee, Indian Territory, October 29, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 28, 1903, rejecting the application of Jane S. Garmany for the enrollment of herself as a citizen by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-31

Commissioner in Charge.

COMMISSIONERS
TAMS BIXBY
THOMAS H. NEEDLES
C. R. BRECKINRIDGE
W. F. STANLEY

ALLISON C. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1123

Muskogee, Indian Territory, March 31, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

The Commission is in receipt of Departmental letter of March 22, forwarding a copy of the Commissioner of Indian Affairs' letter of March 4, recommending that the Commission's decision of October 28, 1903, rejecting the application of Jane S. Garmany for enrollment as a citizen by blood of the Cherokee Nation, be reversed.

In accordance with the instructions contained in the Department's letter, you are hereby advised that you will be allowed thirty days from date hereof in which to file with the Commission, for transmission to the Secretary of the Interior, such argument as you may desire, a copy of which you will be required to furnish the applicant.

Respectfully,

Commissioner in Charge.

(Copy)

Refer in reply to the following:
Land.
54385-1904.

Department of the Interior,

Office of Indian Affairs,

Washington, August 19, 1904.

The Honorable,

Secretary of the Interior.

Sir:

Referring to Department letter of July 19, 1904, (I.T.D. 1878-1904), there is enclosed a communication from the Commission to the Five Civilized Tribes, dated August 6, 1904, in which it is stated that no argument has been filed relative to the application of Jane S. Garmany for enrollment as a citizen of the Cherokee Nation.

Very respectfully,

W.A.Jones,

Commissioner.

GAW-E.

Department of the Interior.

Washington.

WCF
JP
FHE

LRS

8/29/04

I.T.D. 1878-1904.
6706- "

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

December 19, 1902, you transmitted the record in the matter of the application of Jane S. Garmany, for enrollment as a citizen by blood of the Cherokee Nation. The application also included the name of Clark B. Garmany, husband of said Jane S. Garmany, as an applicant for enrollment as a citizen by intermarriage of the Cherokee Nation. His rights as such were not passed upon by your Commission, and his name is therefore not embraced in this decision.

On December 10, 1902, you held that the applicant was not entitled to enrollment.

On July 28, 1903, the case was remanded to you for readjudication in accordance with the opinion of the Assistant Attorney General of March 16, 1903, in the case of Joseph D. Yeargain, et al. On October 28, 1903, the majority of your Commission held that the applicant was not entitled to enrollment, under paragraph 9 of section 21 of the act of Congress approved June 28, 1898 (30 Stat., 495), Commissioner Breckinridge dissenting from the majority

opinion, and holding that under the Yeargain case the applicant should be enrolled.

Reporting March 4, 1904, the Acting Commissioner of Indian Affairs concurred in the views expressed by Commissioner Breckinridge, and recommended that you be directed to enroll the applicant as a citizen by blood of the Cherokee Nation.

March 22, 1904, you were directed to notify the applicant and the attorney for the Cherokee Nation of the recommendation of the Acting Commissioner , and to allow them additional time within which to file argument in the matter. In your letter of August 6, 1904, you state that no argument has been filed in said case by either party.

It appears from the record that Jane S. Garmany was 35 years old at the date of her application; that she moved to the Cherokee Nation at 16 years of age; that she was admitted to citizenship in said nation by the duly constituted authorities thereof, on May 18, 1887; that in 1895 she was lawfully married to Clark B. Garmany under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation; that she and her husband are identified on the Cherokee census roll of 1896; that since she was admitted to citizenship in the Cherokee Nation she has lived in said nation a portion of each year. It also appears that she owned property in the Cherokee Nation which has never been removed from said nation.

The Department concurs in the recommendation of the Acting Commissioner, and you are directed to enroll the applicant as a

citizen by blood of the Cherokee Nation.

A copy of Indian Office letter of August 19, 1904, transmitting your report of August 6, 1904, is inclosed.

Respectfully,

(signed) Thos. Ryan.

Acting Secretary.

1 inclosure.

G.W.S.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee D-1123.

Muskogee, Indian Territory, September 7, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated October 28, 1903, rejecting the application of Jane S. Garmany for enrollment as a citizen of the Cherokee Nation was reversed by the Secretary of the Interior on August 29, 1904, and the Commission ordered to enroll the applicant.

Respectfully,

Chairman.

Cherokee
D. 1123

Muskogee, Indian Territory, February 19, 1907.

Clark B. Garmany,

Dawn, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, denying your application for enrollment as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl.A-78
RA

Register

REFER IN REPLY TO THE FOLLOWING:
Cherokee
D. 1123

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 19, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, rejecting the application for the enrollment of Clark B. Garmany as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl.A-79
RA

Muskogee, Indian Territory, February 19, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Clark B. Garmany as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner, dated February 19, 1907, denying said application.

Respectfully,

Commissioner.

Encl.A-90
RA

Through the Commissioner
of Indian Affairs.

LAND.
18382-1907.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

COPY. WASHINGTON. February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from Commissioner Bixby, dated February 19, 1907, enclosing record of proceedings in the matter of the application for the enrollment of Clark B. Garmany as a citizen of the Cherokee Nation by intermarriage, together with the Commissioner's decision dated February 19, 1907, denying the application.

The record shows that the applicant is a white man, and possesses no right to enrollment as a citizen of the Cherokee Nation other than such as he may have acquired by virtue of his marriage to Jane S. Davis, a duly enrolled citizen of the Cherokee Nation by blood, on November 21, 1895.

The applicant did not therefore marry a citizen by blood of the Cherokee Nation prior to November 1, 1875.

The Office is of the opinion that the decision of the Commissioner, denying the application for the enrollment of the applicant, is in accordance with the decision of the United States Supreme Court in the case of Daniel Red Bird et al. vs. the United States, and it is recommended that his decision be affirmed.

Very respectfully,
C. F. Larrabee,
Acting Commissioner.

EWE--SD.

W.H.M.
J.P.

LRS.

DEPARTMENT OF THE INTERIOR,

D.C. 12639-1907. WASHINGTON.

I.T.D.
5694, 5712, 5714, 5716,
5726, 5762, 5802, 5822,
5824, 5836, 5850, 5852,
5860, 5866, 5870, 5872,
5880, 5910, 5918, 5934,
5942, 5946, 5948, 5950,
5954, 5960, 5970, 5972,
5996, 5998, 6000, 6002,
all 1907.

March 2, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

Title of Case.	Date of your letter of transmittal.
Moses Hardwick, et al. (freedmen),	February 13, 1907.
Alexander M. Andersen,	February 21, 1907.
Emiline Patrick,	February 19, 1907.
Leona Arreta Kincaide,	February 12, 1907.
Neema Worley Hicks, (freedman),	February 12, 1907.
James McCamish,	February 2, 1907.
George W. Hill,	February 18, 1907.
Lydda M. Ward, et al. (freedmen),	February 12, 1907.
Mary E. Coker,	February 8, 1907.
Charlette M. Laughlin, et al.,	February 21, 1907.
Jessie Lee Lignon, et al.,	February 18, 1907.
Joseph Hensen,	February 14, 1907.
John Earl Redfearn, et al.,	February 18, 1907.
Minnie L. Peace, et al. (freedmen),	February 13, 1907.
Clark B. Germany,	February 19, 1907.
George E. Freeman (freeman),	February 16, 1907.

Title of Case.	Date of your letter of transmittal.
Mary J. Graybeard,	February 8, 1907.
Sarah Skaggs, et al.,	January 17, 1907.
Alverta Flemmings, et al. (freedmen),	February 12, 1907.
Tyre Finley (freedman),	February 12, 1907.
Clarence Landrum, et al (freedmen),	February 14, 1907.
Minnie E. Powell,	February 14, 1907.
D. H. Flourney,	February 2, 1907.
Sarah J. Martin,	February 14, 1907.
Elizabeth Coleman,	February 8, 1907.
Rexie Christine Binns,	February 16, 1907.
Ella Hill (freedman),	February 16, 1907.
Jane Langley,	February 6, 1907.
Frances Elizabeth Forbes,	February 12, 1907.
Isabelle J. Paris,	February 9, 1907.
Clarance Hill, et al. (freedmen),	February 12, 1907.
Mary Dean, et al. (freedmen),	January 18, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

32 enclosures, and
70 enclosures to Ind. Of.,
with carbon hereof.

A. F. Mc.
3-2-07.

Cherokee D-1125 COPY

Muskogee, Indian Territory, March 22, 1907.

Clark B. Garmany,

Pawn, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

Encl.H-105
JMH

Cherokee F.
R 574 et al.

COPY

Muskogee, Indian Territory, March 22, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting the application for the enrollment of Moses Hardrick, et al., as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

Encl.C-50
LMC

Jacket says Cher D 1122; should be Cher D 1123

D 1122

Notice of final consideration, 5/19/22

Certified copy of an application for citizenship

D 1122

Registered Letter
Parcel

Post Office Muskogee Okla

3819

3/12

Cher D 1124

Cher D 1124

DOUBTFUL.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEBRUARY 23rd, 1901.

IN THE MATTER OF THE APPLICATION OF Charles T. Bradshaw for the enrollment of himself, wife and children as citizens of the Cherokee Nation, and said Bradshaw, being sworn and examined by Commissioner, T. B .Needles, testified as follows:

Q What is your name; your full name? A Charles T. Bradshaw.
Q What is your age? A Twenty nine years.
Q What is your Postoffice address? A Muskogee.
Q What district do you live in? A Canadian.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood or intermarriage? A Intermarriage.
Q Whom do you desire to enroll? A I desire to enroll myself and family.
Q Wife and how many children? A Two.
Q What is the name of your wife? A Florence P.
Q How old is she? A She's twenty seven.
Q When were you married to her? A '94.
Q Have you a certificate of marriage? A Yes, sir.

Com'r T.B.Needles: Applicant presents a duly authenticated marriage license and certificate of marriage, certifying that he was married according to the laws of the Cherokee Nation to Miss Florence Graham, a citizen of the Cherokee Nation, on the 22nd day of March, 1894.

Q What is the name of your wifes father? A John W. Graham.
Q Is he living? A Yes, sir.
Q What is the name of her mother? A Missouri Graham.
Q Is she living? A Yes, sir.
Q What are the names of your children? A Myrtle.
Q How old is she? A Five years old last July.
Q What is the name of the next one? A Claude.
Q How old is he? A Fifteen months old.
Q Is Florence Graham your first wife? A Yes, sir.
Q Are you her first husband? A Yes, sir.
Q Have you been living with her continuously since you married her? A Yes, sir.
Q Living with her now? A Yes, sir.
Q Your wife's name is not on the roll of 1880, is it? A No, sir.
Q Have you any certificate of her admission? A Yes, sir.
Q Is your wife's name in that certificate? A (No response)
Q Is Missouri Dawson your wife's mother? A Yes, sir.

Pay Roll of 1894 of the Cherokee Nation examined and the name of the applicant's wife appears thereon as follows:
Page 37, #813, Florence P. Graham, Canadian District.

Q Do you know why your name and the name of your wife is not on the roll of 1896? A No, sir.
Q Do you know what your wife's mother's mother's name was?
A No, sir, I don't.

John W. Graham, being sworn and examined by Commissioner, T. B. Needles, testified as follows:
Q What is your name? A John W. Graham.

Q What is your age? A Fifty six.
Q Your Postoffice? A McLain.
Q Do you know Florence Graham? A Yes, sir.
Q What is her mother's name? A Missouri Graham.

By Mr. A. S. McKennon, Attorney for applicant:
Q Are you the husband of Missouri Graham? A Yes, sir.
Q Where did you first marry her? A In Quarrells County, Texas.
Q When? A '66.
Q When was she admitted to citizenship in the Cherokee Nation?
A September 9, 1884.
Q Was she admitted as Missouri Graham? A She was not.
Q By what name? A Missouri Dawson.
Q You were then, however, her husband? A Yes, sir.
Q Living with her? A Yes, sir.
Q How many children had you then? A Had nine.
Q Just commence and name them now? A Gideon, James M., Louverna.
Q How old was Gideon then? A Sixteen or seventeen.
Q How old was James M? A About fifteen.
Q How old was Louvernia? A About two years younger.
Q What is the next one now? A Florence Graham.
Q How old was Florence then? A She would be about two years younger still than the others.

By Commissioner T. B. Needles:
Q Well, what would her age be; about how old was she?
A About twelve or thirteen.

By Mr. A. S. McKennon, Attorney for applicant:
Q What is the name of the next one? A Joe E. and Joe W., a girl; twins.
Q How old were they? A Nine.
Q Now the next? A John F.
Q How old was he? A He is twenty one now.
Q Four years old then? A Yes, sir.
Q Is that all at that time? A Yes, sir.
Q That is all you had at the time you were admitted?
A Tempie V.
Q How old was she then? A She would be about two.
Q Was that all? A Robert Lee; that is all.
Q Was he with you when you were admitted? A I can not say positively.
Q How old is he now then? A About fifteen now.
Q Is that all? A Yes, sir.
Q All of these children were minors when you were admitted?
A Yes, sir.
Q You and your wife were admitted then, or was she just admitted?
A She was just admitted.
Q Was she admitted under the name of Missouri Dawson? A Yes, sir.
Q That was her maiden name, was it? A Yes, sir.
Q Do you know why she was admitted that way? A No, sir.
Q She's the same identical person now who is your wife at this time, and the mother of these children? A Yes, sir; that's right.
Q You were afterwards married to her under a Cherokee license, were you? A Yes, sir.
Q When? A Right away afterwards; I came on here and complied with the laws of the Cherokee Nation, as my certificate will show.

By Mr. W.T. Hutchings, Cherokee Representative; to APPLICANT RECALLED
Q Did you ever make any application for yourself or any of your family to the Dawes Commission in 1896? A No, sir, I did not.
Q You were never called Charles R. Bradshaw? A No, sir.
Q Have you ever made any other application to this Commission at any time previous to this? A No, sir; I have not.

By Commissioner T. B. Needles:
Q How long have you lived in the Cherokee Nation?
A About twenty one years.
Q You stated that you had lived with your wife continuously since you married her? A Yes, sir.

By Mr. A. S. McKennon, Attorney for Applicant:
Q Did you appear before the Committee - Cherokee Committee - that was making the rolls in 1896? A Yes, sir.
Q Did you understand that you were then enrolled, or that you were not enrolled? A Yes, sir; they took me down then, but I don't know why it is that it does not show now.
Q Took down you and your family, did they? A Yes, sir; myself, wife and one child.

BY COMMISSIONER T.B. NEEDLES: The name of Charles T. Bradshaw is not found upon any of the Rolls of the Cherokee Nation; he makes satisfactory proof of marriage to one, Florence P. Graham, in the year 1894, and her name is found upon the pay roll of 1894; her name is not found upon the authenticated roll of 1880 or upon the census roll of 1896; he avers that his wife is the daughter of John W. and Missouri Graham, nee Dawson, who was admitted to citizenship on the 9th day of September 1884; the certificate of admission has been exhibited in the case of the application of John W. Graham, and the records of the Cherokee Nation now in the possession of the Commission show that said Missouri Dawson, wife of John W. Graham was so admitted. The applicant avers that he has two children, Myrtle, five years old and Claude fifteen months old, whose names do not appear upon the census rolls of 1896; satisfactory proof is made that Missouri Dawson was the mother of said Florence Graham, and at the admission of her mother to citizenship cited, Florence was a minor, twelve years of age; satisfactory proof is also made as to their residence; now comes the Cherokee Nation by its representatives and protests against the enrollment of the said Charles T. Bradshaw for enrollment as a citizen of the Cherokee Nation by intermarriage and his wife, Florence and children, Myrtle and Claude as citizens by blood; consequently final judgment as to the enrollment of the said Charles T. Bradshaw as a citizen of the Cherokee Nation by intermarriage, and his wife and children as enumerated as citizens by blood will be suspended and their names will be placed upon a doubtful card.

In order to perfect the enrollment of said children it will be necessary for the applicant to file with this Commission satisfactory proof of their birth, their names not appearing on any of the rolls now in the possession of this Commission.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) R. R. Cravens.

Subscribed and sworn to before me this 23rd day of February, A. D., 1901.

(Signed) T. B. Needles,

COMMISSIONER.

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Edith L. Morey, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Edith L Morey.

Subscribed and sworn to before me this 22 day of August, A.D., 1904.

W. T. Martin Jr.
Notary Public.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, July 21st, 1902.

In the matter of the application of Charles T. Bradshaw for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his wife Florence P. Bradshaw and his children Myrtle Bradshaw and Claude Bradshaw as citizens by blood of the Cherokee nation.

Supplemental to D-1124.

Appearances:
A. S. McKennon for Applicants,
W. W. Hastings, for Cherokee Nation.

DICK NEAL, being duly sworn, testified as follows:--
Examination by Mr. McKennon.

Q What is your name? A Dick Neal.
Q What is your age? A 66.
Q Where do you live? A Down here at McLain, Canadian district.
Q Is that in the Cherokee nation? A Yes, sir.
Q Do you know Florence P. Bradshaw? A Yes, sir.
Q How long have you known her? A 10 or 12 years. I knew her father.
Q Where does she reside? A Out here 4 or 5 miles in the Cherokee nation.
Q How long has she resided in the Cherokee Nation? A I don't know. I have known her 10 or 12 years.
Q Has she been living in the Cherokee nation all the while? A Yes, sir.
Q Is she there yet? A Yes, sir.

Examination by Mr. Hastings:

Q Do you know when she came to the Cherokee nation. No, sir, I know when she come there. They swapped places with Parks. ~~My place and Parks' joined. I know that.~~
Q When was that? A Some 10 or 12 years ago. I don't know. It was at least 10 years ago.
Q That was the first time you knew of them? A Yes, sir.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he

correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) Jesse O. Carr.

Subscribed and sworn to before me this 21st day of July, 1902.

(Signed) P. G. Reuter,
Notary Public.

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Edith L. Morey, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and complete copy of the original transcript.

Edith L. Morey.

Subscribed and sworn to before me this 22 day of August, 1904.

Wm. Martin Jr.
Notary Public.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, October 20th, 1902.

In the matter of the application of Charles T. Bradshaw for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his wife, Florence P. Bradshaw, and his children, Myrtle and Claude Bradshaw, as citizens by blood of the Cherokee Nation.

Supplemental to D-1124.

CHARLES T. BRADSHAW, being duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Charles T. Bradshaw.
Q How old are you? A 30.
Q What is your post office? A Muskogee.
Q Are you a white man? A Yes, sir.
Q The are claiming the right to be enrolled as a Cherokee citizen by intermarriage? A Yes, sir.
Q What is your wife's name? A Florence P. Bradshaw.
Q Is she a Cherokee by blood? A Yes, sir.
Q Is she the wife through whom you claim the rights of citizenship? A Yes, sir.
Q How long has she been living in the Cherokee Nation? A Well, I couldn't tell you exactly. About 16 years, I think.
Q Was she admitted to citizenship in '83? A I think so.
Q When were you married to her? A 22nd of March, 1894.
Q Were you married under a Cherokee marriage license? A Yes, sir.
Q Is Florence P. your first wife? A Yes, sir.
Q You are her first husband? A Yes, sir.
Q Have you and Florence P. lived together ever since you were married? A Yes, sir.
Q Never been separated? A No, sir.
Q Living together now? A Yes, sir.
Q Has the Cherokee Nation been your home ever since you were married? A Yes, sir.
Q Never lived anywhere else? A No, sir; not since I was married.
Q How many children have you? A Two.
Q Are they both living? A Yes, sir.
Q Both living at home? A Yes, sir.

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Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes,

he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Jesse O. Carr.

Subscribed and sworn to before me this 20th day of November 1902

(Signed) B. C. Jones,
Notary Public.

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Edith L. Morey, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Edith L. Morey.

Subscribed and sworn to before me this the ~~2~~ day of August 1904.

Wm. C. Martin Jr.
Notary Public.

DEC 15 1982

To be filed with C. D. 1124, Charles T. Bradshaw et al.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I. T., SEPTEMBER 17th, 1900.

IN THE MATTER OF THE APPLICATION OF Francis Marion Dawson, wife and children for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your full name? A Francis Marion Dawson.
Q What is your age? A I am fifty eight years old.
Q What is your Postoffice? A Oceoma.
Q What District do you live in? A Delaware.
Q Who is it you want to have enrolled? A Myself and family.
Q Your wife? A Yes, sir.
Q How many children? A Six.
Q Do you apply for enrollment as a Cherokee by blood? A Yes, sir.
Q Is your wife a Cherokee by blood? A No, sir; she is a white woman.
Q How long have you lived in the Cherokee Nation? A Since 1883.
Q Were you admitted by the Cherokee Commission? A Yes, sir.

The applicant presents a duly authenticated certificate of admission to citizenship, showing that on the 11th day of January, 1883, certain persons were admitted by the Commission on citizenship, and among them appears the name of F. M. Dawson.

Q That is your name is it? A Yes, sir.

This is recognized as satisfactory evidence of the facts stated.

Q Have you lived in the Cherokee Nation ever since your admission?
A Yes, sir; in Delaware District ever since.
Q Give me the name of your wife? A Katie Dawson.
Q How old is she now? A Forty five.
Q Was she admitted with you? A No, sir.
Q Have you married her according to Cherokee law since your admission? A No, sir.
Q You have not remarried since your admission? A No, sir; it was not necessary.

The applicant presents a duly authenticated marriage license and certificate, showing that he was married to his wife, as stated by him, in 1880, by the Reverend R. W. Goudelock, in Carrol County, Arkansas, the license being issued by the Clerk of that County.

These papers are filed herewith.

Q Your wife was not admitted by the Cherokee Commission, when you were? A No, sir.
Q Or at any other time? A No, sir.
Q By act of the Commission or Council? A No, sir: she was placed on the rolls.
Q On the census rolls? A Yes, sir.
Q Give me the names of your children, please? A Lula.
Q How old? A Seventeen.
Q Next child? A Ray.
Q How old? A Fifteen.
Q Next child? A Jessie Jane.
Q How old? A Fourteen.
Q Next child? A Jacob Levy.
How old? A Ten.
Q Next child? A Hugh A.
Q How old? A He is eight I believe.

Q Next child? A Laura.
Q How old is that child? A She is [illegible] years old.
Q Is that all? A Yes, sir; six of them. I have others, but they are not at home.
Q Are they married? A No, sir.
Q Are they over age? A Yes, sir.

(1896 Roll, Page 461, #902 Frank Marion Dawson, Delaware.)
(1896 Roll, Page 509, #135, Katie Dawson, Delaware District.)
(1896 Roll, Page 461, #903, Lula Dawson, " "
(1896 Roll, Page 461, #904, Ray Dawson, " "
(1896 Roll, Page 461, #905, Jesse James Dawson, Delaware Dis't.)
(1896 Roll, Page 461, #906, Jacob Levy Dawson " "
(1896 Roll, Page 461, #907, Hugh [illegible]ershaw Dawson," "
(1896 Roll, Page 461, #908, Louie Albertie Dawson, " "

Q Is this Lula or Luly? A Luly.
The applicant applies for the enrollment of himself, wife and six children:
Q Were these children all born since you were admitted into the Cherokee Nation? A Yes, sir.

The applicant is shown by the certificate of admission, cited in the testimony, to have been admitted to Cherokee citizenship, by the Commission on Citizenship, January 11th, 1883; he is identified on the roll of 1896, but the representative of the Cherokee Nation desires to make inquiry into the methods of that time, and for that reason, the application of the applicant will at present be placed on a "Doubtful Card." He has lived in the Cherokee Nation ever since his admission to citizenship. His wife was married to him under United States law, and was married prior to his admission: she has never been remarried according to Cherokee law: She has lived with him ever since his admission to citizenship, and she is identified on the roll of 1896. The application for her enrollment will be placed on a "Doubtful Card".
Their six children, as enumerated in the testimony are identified on the roll of 1896. They are living at this time, all having been born since his admission (Applicant's) . These children will be placed with him on a "Doubtful Card". The applicant's marriageto the mother of these children is established by the marriage license and certificate filed herewith. If any additional papers, adverse are developed in this case, he will be given timely notice thereof.

The undersigned, being [illegible] that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) R. R. Cravens.

Subscribed and sworn to before me
this 10th day of September, 1902.

(Signed) C. R. Breckinridge,

Commissioner.

BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment of F. M. Dawson and others as Cherokee citizens.

Depositions of sundry persons in behalf of the applicants for enrollment mentioned in the title, taken before me, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, at the office of G. B. Denison in the Gray-Halsell building in the town of Vinita, Indian Territory, on Thursday the fourth day of October 1900, between the hours of one and a half o'clock and six o'clock in the afternoon of said day, in accordance with the agreement to take testimony, entered into between the applicants and the Cherokee Nation, by their respective attorneys, which agreement is hereto attached.

T. F. Thompson, being produced by the applicants, being first duly sworn to testify to the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION BY G. B. DENISON:

Q State your name, age, residence and occupation?
A T. F. Thompson, 53 years old, I live near Vinita, Cherokee Nation, I. T. I am a farmer.
Q How long have resided in the Cherokee Nation? A All my life.
Q Are you a citizen of the Cherokee Nation as now constituted?
A Yes, sir.
Q Upon what is that citizenship based, blood or otherwise?
A Blood.
Q What, if any official position have you held in the Cherokee Nation, and at what time?
A I was elected to the Cherokee Council in 1870 some odd, I don't remember the exact year, I was also on the Commission Court.
Q Do you remember when that was? A Some time in 1880 or 1881, I think, it may have been earlier.
Q Did that Commission or Court have anything to do with admission to citizenship in the Cherokee Nation? A Yes, sir.
Q State, if you remember, how many members of that Commission or Court there were, and who they were besides yourself?
A There were three, Tehee, Wolf and myself, Tehee was President of the Court.
Q Where were the sessions of that body held? A Tahlequah, Cherokee Nation.
Q Did you have a Clerk? A Yes, sir.
Q Do you remember who that was? A D. W. C. Duncan.
Q Do you know whether the members of that Commission beside yourself, are living or dead? A Yes, sir, they are both dead.
Q Can you recollect now what period of time that Commission lasted?
A About two years I think, two sessions, and there was one session each year.
Q Were the sessions of that body held in Tahlequah, open to the public at all times when it was in session?
A Yes, sir.
Q Were the cases coming before that body heard in open session?
A Yes.
Q Witnesses examined orally? A Yes, sir.

Q [illegible] of the Court or Commission [illegible] open session?
A [illegible] decisions I think they some [illegible] sessions,
yes [illegible] judgments of the Commission were announced openly.
Q [illegible] you intended to convey by your answer to Mr. [illegible] question
[illegible] after hearing the proof the Commission [illegible] deliberated
[illegible] session upon the testimony taken before [illegible]
[illegible] announcing it? A After hearing all the testimony we
[illegible] secret session.
[illegible] present you with a paper which the Notary will mark
[illegible] and a copy of which he will attach to [illegible] petition,
[illegible] and you if with the exception of the certificate of record
[illegible] Bingham, Clerk, and John L. Adair Asst. Ex. Secretary.
[illegible] recognize it as a paper you have ever seen before?
A I recognize the signature to it, but don't remember the instrument.
Q Which signature on that paper do you recognize? A My own.
Q That signature is in your own handwriting? A Yes, sir
Q Do you know whether Thomas Tehee, president of the Commission
[illegible] write in English or not? A No, I don't think he could,
Q How is to Alexander Wolfe, a member of the Commission?
A I don't think he could write either, I don't think either of
them ever wrote except by touching the pen.
Q Were you, and are you familiar with the handwriting of D. W. C.
Duncan, the Clerk of that Commission?
A Tolerably well, but it has been a long time since I saw any of it.
Q Will you look at the paper again and say whether you recognize
his signature attached thereto?
A Yes, that is his signature to the best of my knowledge.
Q Do you preserve any personal recollection of the application
before that Commission of F. H. Dawson and other members of the
Dawson family, to be admitted as citizens of the Cherokee Nation
by that Commission?
A I remember F. H. Dawson and his brother, that is about the only
ones I remember.
Q The question was not as to the personal recollection of the
individuals but as to the claim being presented by the Dawsons
for admission?
A Yes, there was such a claim before the Commission.
Q Can you state as to the citizenship of Thomas Tehee, whether he
was a citizen of the Nation by blood or not?
A Yes, sir, he was always recognized as such, full blood Cherokee.
Q What is your knowledge of Alexander Wolfe?
A About the same, he was also a full blood and recognized as a
Cherokee.
Q Mr. Thompson, if you possessed or had, or have now any
knowledge of any corruption or bribery of the court or Commission,
or any attempt of it by F. H. Dawson or any of the Dawson family
or any one connected with the presentation of their claims to
[illegible] state it fully?
A No, never as far as I was concerned, and I don't think there
was [illegible] of the Court.

CROSS-EXAMINATION BY W. T. HUTCHINGS.

Q Do you [illegible] to say Mr. Thompson that your name attached to the
certificate shown you is in your handwriting?
A Yes, sir.
Q Which is [illegible] certified that this is a transcript of the decision
in the case, is it mistaken, that is the original?
A No, I don't know, that may be the original. If that is not the
original I did not sign it, if it is the original I signed it.
Q You stated that the witnesses were examined orally before the
Court, [illegible] that in almost every case you took on write

affidavits of witnesses when those witnesses were not present?
A I think we ruled exparte evidence out, as well as I remember.
Q Did you have any stenographer or anybody to copy the evidence?
Mr. Duncan did all of the copying.
Q Was the evidence copied and preserved?
A Yes, sir, I think it was.
Q What was done with that evidence, where was any of it ever put?
A I suppose it is at Tahlequah in the office of the Treasurer or Secretary.
Q When you went into secret session did you have Mr. Duncan read the evidence to you?
A Yes, sir, we went over the evidence thoroughly.
Q Did you allow the applicants or their attorneys admission to any of your secret sessions?
No, sir.
Q When you got ready to render your decisions did you then send for the applicants or their attorneys?
A No, sir.
Q And you rendered them in secret also, did you? A Yes, sir.
Q Have you any recollection who testified in the Dawson case, as to their claim? A No, sir, I have not.
Q Have you any recollection as to who they claimed their Cherokee ancestors were? A Yes, sir, they claimed the Rogers.
Q Did they claim relationship with any of the present families of Rogers residing in the Cherokee Nation?

The applicant objects to this question as tending to elicit testimony wholly incompetent and irrelevant to the issue, and not cross-examination of this witness.

A I don't know that they did, particularly.
Q How could your court determine when they claimed descent through some Rogers family, that that family was of Cherokee blood?

The applicant objects to the question upon the same grounds as their objection to the previous question.

A By the evidence they produced.
Q Didn't you make them prove that that family was well known at one time to be connected with the Cherokee Nation, and were citizens thereof? A Yes.
Q Who was the attorney for the Dawsons? A Old man Houston Benge.
Q Could either Tehee or Wolfe speak English? A They could understand, but they never spoke English, they had an interpreter.
Q Did you ever talk to either of them as to whether they got anything for decidingthis case? A No, sir.
Q How long were you considering the case altogether?
A I could not say as to that, I think we were on it two or three weeks anyhow, I could not say positively now, they were a long time getting in testimony.
Q There were only two or three witnesses examined all told, were there not?
A I think so, three I think, they had quite a lot of affidavits, but we did not consider them.
Q Well the Court was a good while arriving at its conclusion after the evidence was closed?
A Yes, quite a good while, I don't remember the exact time.

RE-DIRECT EXAMINATION:

Q Do you remember who the interpreter the Commission had during the hearing of the Dawson case.
A His name was Reese, I forget his given name.

Q Do you know whether he is living or dead?
A I don't know, he seemed to be in bad health at the time we had the case up, I think they are all dead but me and Mr. Duncan.
Q What was he a Cherokee by blood?
A He was considered a Cherokee by blood.
Q Do you know where he lived at that time?
A No, sir, he lived in the South part of the Nation though, I think in Sequoyah.

(Signed) I. F. Thompson.

Copy of Ex. "A" to T. F. Thompson's testimony.

CERTIFICATE OF RECORD.

United States of America,
Indian Territory,
Northern District.

I, Marshall L. Bragdon, Clerk of the United States Court in the Indian Territory, hereby certify that the instrument hereto attached was filed for record in my office the 9 day of March, A. D. 1893, at 10-30 o'clock A. M. and duly recorded in book C. Micl Record Mortg. & Liens, page 339,

Witness my hand and seal of said court at Muscogee, in said Territory this 16 day of March, A. D. 1893.

(SEAL) M. L. Bragdon,

Clerk.

Transcript to which this is attached, endorsed on back as follows:

"No. 102, Robt. Dawson et al, VS the Cherokee Nation, Transcript of Judgment, Filed Mar. 9, 1893 10-30 A. M. Marshall L. Bragdon, Clerk."

OFFICE OF COMMISSION ON CITIZENSHIP,
TAHLEQUAH, CHEROKEE NATION, JANUARY 11th, 1883.

Robt. Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly
No. 102 Dawson, Wilbron Dawson, James Dawson, Rial Dawson,
VS,
The Cherokee Nation.

And now on this, the 11th day of January, A. D. 1883, this case coming on for final hearing and all the evidence produced in the case being carefully read and duly considered by the Commission, it was adjudged and determined by the Commission on Citizenship, that the claimants, Robt Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, and Rial Dawson, Molly Dawson, Wilbron Dawson, James Dawson, are Cherokees by blood; and that they are entitled to all the rights and priviliges of Cherokee citizenship within the Cherokee Nation, and that they should be, and they should be, and they are hereby

add 'ed to the full and complete enjoyment of the same in all respects as native born Cherokees.

D. W. C. Duncan, Clerk of Commission.) Thomas Tehee, President of Com. Alex Wolf,) Commissioners. T. F. Thompson,)

I hereby certify that the above is a correct transcript of the decision of the Commission on Citizenship in the above entitled case as appears of the record in my office.

D. W. C. Duncan,
Clerk of Commission.

January 11th, 1883.

Executive Department,
Tahlequah, Cherokee Nation,
January 11th, 1883,

I hereby certify that the within named Commission on Citizenship, composed of Thomas Tehee, President, Alex Wolf and T. F. Thompson, are now and were at the time the within named persons were admitted to Cherokee Citizenship, a duly authorized and Commissioned Commission on Citizenship, and that their actions as such are legal and binding.

Witness my hand the

Witness my hand and the seal of the Cherokee Nation, on the date above written.

John L. Adair,
Asst. Ex. Secretary.

United States of America,
Indian Territory,
Northern District.

I, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, do hereby certify that the above and foregoing two pages, consisting of this one and the preceding one which is attached hereto, is a true, complete, and perfect copy of the transcript of the judgment of the Commission on Citizenship as the same was presented to me during the examination of T. F. Thompson as a witness, and identified by me at the time by writing thereon "Exhibit A" to testimony of T. F. Thompson, L. T. M. - N. P. Oct. 4, 1900." The foregoing copy having been carefully compared by me with the said original.

Given under my hand and seal of office as such Notary Public, this 4th day of October, A. D. 1900.

(SEAL.) (Signed) Lewis T. Martin.

Notary Public.

My commission expires Feb 3rd. 1902.,

D. W. C. Duncan being produced by the applicants after being sworn to testify to the truth, the whole truth and nothing but the truth testified as follows:

DIRECT EXAMINATION BY G. B. DENISON:

Q Please state your name, age, residence and occupation?
A My name is D. W. C. Duncan, my age is 70 years, my residence is Vinita, Indian Territory, my occupation is a farmer.
Q How long has that been your place of residence? A Since 1874.
Q Are you a member of the Cherokee Nation as it is now constituted?
A Yes, sir.
Q Upon what is your citizenship based, a Cherokee by blood?
A Yes, a Cherokee by blood.
Q In January 1883, did you hold any official position in the Cherokee Nation, if so, what was it?
A About that time I held the position of Clerk of the Citizenship Court or Commission.
Q If you remember the names of themembers of that Commission or Court, please give them?
A The President of the Commission was Tehee I believe, and a member by the name of Wolfe whose first name I do not recollect, and Mr. Thompson here.
Q T. F. Thompson?
A Yes.
Q Do you know whether those three members of that Commission were recognized citizens of the Cherokee Nation, and whether their citizenship was based upon blood or not?
A They were supposed to be citizens of the Cherokee Nation and their citizenship was based upon their blood.
Q Will you please look at the paper now handed you which the Notary has marked exhibit "A" to the deposition of Mr. T. F. Thompson, and a copy of which he will attach to Mr. Thompson's depositions, and state whether with the exception of the certificate of H. L. Bragdon, Clerk, and of John L. Adair Asst. Ex. Secretary, you recognize the paper as one you have ever seen before?
A Yes, I think I have seen this before.
Q When, and where, if you remember, did you first see that paper?
A This is a paper I drew up at the time I was acting as clerk of the said Citizenship Court.
Q Looking at its date, was it drawn at you at the time it bears date?
A To the best of my recollection it was drawn at the date specified.
Q Do you recognize the signature to the certificate attached to that paper?
A Yes, that is my signature.
Q State if you know, in whose handwriting the body of the paper is?
A It is in my handwriting.
Q And at that time you were Clerk of that Commission? A Yes.
Q Will you please look at the signatures of the members of the Commission as they appear on that paper, and state if you can, by whom they were written?
A I think the first two is my handwriting, the last I recognize that as T. F. Thompson's.
Q Explain please, how you came to write the signatures of Thomas Tehee and Alex Wolfe to that paper?
A Thomas Tehee and Alex Wolfe were full bloods and could not write, and in their presence, and at their request I wrote their signatures.

Q Was that the usual manner of certifying to the action of the Commission to applicants as to the decision of their application for citizenship, where admitted?
A In all instances where it was necessary for the Court to sign a paper of any kind it was adopted by that Court for the Clerk to sign Tehee's and Wolf's names and T. F. Thompson to sign his own name.
Q You didn't catch exactly my idea, but perhaps that answered it, what I intended to call you attention to, was whether when applicants had been admitted to citizenship a paper of this kind now shown you, signed by the judges as you have explained, and certified by you as a transcript of the proceedings was issued?
A My recollection is that a transcript of the judgment was issued to the applicant when they were admitted at their request, the judgment was entered upon the record when they were admitted and signed by the judges, and whenever the transcript was delivered to the applicants I think it was signed by the judges.
Q If you had any knowledge at the time the application of the Dawson family, F. M. and others whose names are mentioned in that paper, was pending before that Commission, or before or after, of any corruption or bribery, or attempted corruption or bribery of the Court or any of its officers, by F. M. Dawson, or any person connected in any manner with the claim of the Dawsons to citizenship in the Cherokee Nation, state it fully?
A I never heard a thing of the kind, I know nothing of the kind, all that I have ever heard about a question of that kind is what has originated recently, since the enrollment business has been inaugurated

CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q If as you certify, this paper was a transcript of the record, why did you have the judges sign it?
A I know no reason further than that was the practice at that time, the members of the Court being present I presume it was thought it would be as good or better than the signature of the Clerk.
Q Examine that signature of Mr. Thompson, examine the first T in his name and the T in Tehee's name and see if it is not all your own handwriting?
A No, I would not call that mine, there is a resemblance between the letters but I am satisfied it is a mere fortuity, accidant.
Q How was the evidence taken in those cases?
A It was taken by the witness being present and detailing his knowledge of the case, I wrote it down sentence by sentence as it was delivered.

Q Do you know whether that evidence is in existance or not?
A I do not, the last I saw of it was when I turned the records over to the Executive office at Tahlequah, and I have not seen it since.
Q You say you never heard any talk about this being an improper case until very recently?
A Well that would depend upon what you mean by recently, I don't think I ever heard of it prior to three years ago, I can safely say that did not.

Q Do you remember through what ancestor they claimed their right to citizenship here?

Objected to by applicants because the question tends to elicit testimony which is wholly incompetent and irrelevant, and because it is not proper cross-examination.

A They claimed their right of citizenship through a man by the name of Rogers, I don't recol ect his first name.
Q Do you know how many Rogers families there are who have citizenship in the Cherokee Nation?
A I do.

(Signed) D. W. C. Duncan.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT,

I, LEWIS T. MARTIN, a Notary Public in and for the Northern District of the Indian Territory, do certify that the foregoing depositions of T. F. Thompson and D. W. C. Duncan were taken before me at the time and place and in the action mentioned in the caption, and said T. F. Thompson and D. W. C. Duncan, having been first by me sworn that the evidence they should give in this matter should be the truth, the whole truth and nothing but the truth, and that their statements were reduced to writing by me on the typewriter in their presence; the claimants being present in person and by their attorney G. B. Denison, and the Cherokee Nation being represented by W. T. Hutchings Esquire its attorney,.

Given under my hand this 4th day of October, A. D. 1900.
(SEAL) (Signed) Lewis T. Martin.

Notary Public.
My commission expires 2/3/1902.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 8, 1902.

In the matter of the application of Francis Marion Dawson et al for enrollment as citizens of the Cherokee Nation,. He being sworn and examined by the Commission, testified as follows:

Q What is your name? A Francis Marion Dawson.
Q How old are you? A Soon will be sixth years old.
Q What is your postoffice address? A Afton now, it used to be Oseuma.
Q What was the name of your wife? A My first wife was Julia Ann Howard.
Q She was a white woman? A Yes, sir.
Q When were you married to her? A I think it was the 8th of January, 1864.
Q Where were you living at that time? A In Arkansas.
Q Who married you? A A man by the name of Dave Sturdy.
Q Was he a preacher? A Yes, sir.
Q A Minister of the Gospel? A Yes, sir.
Q Did you and she live together as husband and wife up to the time of her death? A Yes, sir.
Q Did you have any children by her? A Yes, sir.
Q What are their names? A William R. Dawson.
Q The next one? A Francis Marion Dawson Jr.
Q The next one? A Johnnie.
Q The next child? A Elizabeth.
Q The next one? A Arizona Allred.
Q Those are all the children you had by your first wife? A Yes, sir.

Joseph R. Dawson, being sworn and examined by the Commission, testified as follows:
Q What is your name? A Joseph R. Dawson.
Q How old are you? A I will be 51 the 13th day of June.
Q Are you related to the applicant here in this case, Francis M. Dawson? A Yes, sir.
Q How are you related to him? A Brother.
Q Did you know his former wife, Julia? A Yes, sir.
Q Is she living or dead? A She is dead.
Q Was she a Cherokee or white woman? A I couldn't say what; She they married in the states.
Q Do you know when he was married to her? A Yes, sir.
Q When was it? A About the close of the war.
Q Who married them? A Parson Sturdy.
Q Were you present when they were married? A Yes, sir.
Q Did they continue to live together as man and wife up until the time his wife Julia died? A Yes, sir.

John K. Stevens, being sworn and examined by the Commission, testified as follows:
Q What is your name? A John K. Stevens.
Q How old are you? A 56 years old.
Q What is your postoffice address? A Afton.
Q Are you acquainted with the applicant here in this case, Francis M. Dawson? A Yes, sir, as we call him, Bud Dawson.
Q How long have you known him? A My first acquaintance with him was in '61.
Q Did you know his first wife, Julia? A Yes, sir.

Q Do you know whether or not they were married? A Yes, sir, they were married.
Q Were you present at the marriage? A No, I wasn't present at the marriage.
Q Did you see them soon after their marriage? A Yes, sir.
Q Did you continue to know them for any length of time afterwards? I knowed them as long as she lived.
Q During the time you knew them did they live together as husband and wife? A Yes, sir.
Q Were they recognized in the community as such? A Everybody recognized them.

This testimony will be filed with and made a part of the record in the following Cherokee cases:
Arizona Allred et al D-835, John Dawson, D-580, William R. Dawson D-581, Lizzie Dawson D-584 and Francis M. Dawson Jr. D-588.

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I, the undersigned stenographer to the Commission to the Five Civilized Tribes, do hereby certify that I recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) E. G. Rothenberger.

Supl.-C. D. #324.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 17, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of FRANCIS M. DAWSON, ET AL., as citizens of the Cherokee Nation:

The case having been set for final hearing March 17, 1902, the following proceedings were had:

APPEARANCES:
Mr. A. S. McKennon, of counsel for applicants;
Mr. W. T. Hutchings, of counsel for Cherokee Nation.

Mr. Hutchings: Comes now the Nation on the calling of this case and announces that it is ready for trial, provided permission is given to hereafter examine before the Commission, either at this place or Fort Gibson, the witness S. H. Benge, who has been regularly summoned to attend at this day and time but who is too sick to travel at this time and probably will be for some time to come. As evidence of a good faith of the Nation we hereby present an affidavit of the facts sought to be proven by the said Benge. If the applicant's counsel are willing to concede that the witness if present would testify to the facts herein set forth, the Nation is ready to proceed to trial withoub reservation of any kind. If they are not it desires to reserve this privilege of hereafter, either tomorrow or otherwise, this case being set for to-day and tomorrow, of examining before the Commission, or its authorized officer, this witness as above set forth.

Mr. McKennon: Applicants object to the introduction of the paper presented and do not admit that the witness, Samuel H. Benge if present would testify to the facts therein stated. They consent and desire that the testimony of said Benge be taken before the Commission at its office in Muskogee but not elsewhere, and protest against it being taken at any other place, with the understanding, however, that when taken we have opportunity to introduce any evidence we may desire in rebuttal.

Mr. Hutchings:
The Nation will pay all the expenses of the opposing Counsel, their client and Commission officers in taking the deposition at Fort Gibson.

Commissioner Breckinridge: The allegations of this witness are material in their character and are quite tangent. The Commission of its own volition would acquire information of that character if it knew of its existance anywhere. While the functions of the Commission, as well known are in many respects judicial, yet it is bodied with somewhat complex powers, such as Congress creates from time to time to do business of certain character, and it is ordered to make a correct roll, which is a duty largely independent of hearing simply what is brought before them; it must be the architect and constructor of that roll and if evidence is not brought before before the Commission it must go out and get it, to be uniform on that construction of the law. The Commission, therefore, desires this information independent of any counsel on either side both with respect to the applicant and to the Nation, and if this witness is

is not able to come one of the Commissioners will go to Fort Gibson and to his bed-side, or send a proper official, if necessary to take his testimony. The only matter to consider, therefore, is one of convenience with respect to getting this testimony. Now, I understand that this witness is an extreme sufferer from Bright's Disease he is an old man and he may never be able to get out of the house, and it may be an injustice to him to subject him to a trip here, and therefore it seems to me better that counsel for plaintiff submit to a form of taking a deposition or else accompany an official of this Commission over to Fort Gibson and let his testimony be taken there.

After consultation with the attorneys upon the two sides it is found to be agreeable that the parties start to Fort Gibson to-morrow morning at half past eight o'clock, and it is agreed then and directed with an official of the Commission with a stenographer leave from the office of the Commission for Fort Gibson at 8:30 to-morrow morning.

FRANCIS M. DAWSON, the applicant, re-called for additional cross-examination on part of the Cherokee Nation:

MR. HUTCHINGS:

Q What is your name? A Francis M. Dawson.
Q Where do you reside? A In Afton.
Q You have been examined in this case heretofore, have you?
A I don't know which case it is.
Q In your own case? A Yes, sir.
Q Are you the one that is commonly called Bud Dawson? A Yes, sir.
Q You made the original application in the Dawson family for admission to citizenship in the Cherokee Nation, didn't you? A. sir; my brother.
Q What was his name? A A. E. Dawson.
Q You and Robert Dawson and Elbert Dawson and others applied September 24, '81, about that time? A Yes, sir.
Q And you were admitted about the 11th of January '83? A Yes, sir.
Q There were other members of your family that applied and were admitted after that time? A Yes, sir.
Q Do you or not remember the evidence offered in their behalf to substantiate their cases was the relationship between yourself and others and the evidence of your admission by the Tehlequah Court. In all the subsequent admissions I mean the only evidence offered was the fact that you and your brothers had been admitted before and that they were kin to you; that was the only evidence offered in any subsequent cases, wasn't it; so far as you know?
A That is afterwards?
Q Yes, afterwards? A I think there was some other evidence introduced.
Q Don't you know that there was never any evidence offered in any other case except evidence of Dr. Baker of Arkansas? A Yes, sir.
Q Who else? A Oliver Miller.
Q Who was Oliver Miller; the records in this case have been destroyed and mutilated? A Oliver Miller I think he was.
Q What was he, who was he? A He is no kin to me.
Q Well, what station in life did he occupy; was he a farmer?
A Yes, sir, farmer.
Q Were you present when he testified? A Yes, sir.
Q Were you present when Dr. Baker testified? A Yes, sir.

Q Have you a fair recollection of the testimony of those two men?
A No, not at all.
Q You don't read do you, Mr. Dawson? A No, sir, I dont read nor write; I can barely write my name.
Q Do you think you would remember the testimony of Dr. Baker if your mind was refreshed on it? A Part of it I think.
Q Were you present when you were admitted? A I was not in the room.
Q You were in Tahlequah at the time? A I was in the town of Tahlequah at the time.
Q I will read this paer to you and desire for you ro say whether or not it was the testimony of Dr. Baker in your case:
(Affidavit of Dr. Arthur Baker read to witness, and asked to be copied in the record later.)
Q Is that the correct transcript of the testimony? A It has been so long ago, I could not say; a part of it is, I could not remember it all.
Q Does that state the facts as to the family history correctly so far as you know about it? A So far as I know.
Q Now, you were a son of what Dawson? A Robert Dawson.
Q How many children did Robert Dawson have, and give me their names?
A Elbert Dawson, the oldest; Lila, Jesper, Francis Marion-
Q That is yourself? A Yes, sir; Elizabeth Dawson, Josephine Dawson, John Dawson, Joseph Dawson, Jane Dawson, James Dawson, Edna Dawson, Mollie Dawson, Wilburn Dawson.
Q Thirteen? (No response.)
Q How, Rober Dawson's father was whom? A Sam Dawson.
Q Who was Sam Dawson's wife, your grandmother? A I have been told.
Q By family history is all you know? A She was called Polly Dawson.
Q Who was Anna Pruitt? A I don't know.
Q Never heard of anybody in the family by the name of Anna Pruitt? A No, sir, that was away back in the old country; I have heard talk about it, old Dr. Baker talked about it.
Q Your grand-mother's name was Polly Dawson? A Yes, sir; I don't remember seeing her but once, she died when I was small, died in Texas.
Q Pollie Dawson? A Yes, sir.
Q Ans she was known to be Pollie Rogers, her maiden name? A Yes, sir.
Q Daughter of Captain John Rogers? A Yes, sir.
Q Now, she died in Texas what time? A I don't remember.
Q Can't you guess at it? A Oh, I could guess.
Q Give your best recollection? A About '58 or '59, or no, '48 or '49; I don't say positive, just guessing at it.
Q How old a boy were you then? A I was born in '42.
Q Have you any distinct recollection of her? A No, sir.
Q Have you any recollection of all the children of Sam and Pollie Dawson; that is, your father, uncles and Aunts? I didn't see all of them.
Q Do you know by family history the names of all of them? A Yes, sir.
Q Will you give them to me?
A Betsy Ann Dawson, I believe her name was.
Q Did she marry a Petty? A Yes, sir; the next is Robert Dawson.
Q Your father? A Yes, sir.
Q Next one? A I think the next was James Dawson, and I think the next one was a girl, Edna Dawson.
Q Did he have two daughters? A Yes, sir.
Q Well sir? A The next one was Joe Dawson; I never saw him; Miley Dawson.

Q That is Samuel R. Dawson, Riley Dawson? A Yes, sir.
Q Any other one? A That is all I know anything about.
Q Did he have any child by the name of John? A Yes, Jack.
Q Didn't you get Jack misplaced with Joe? A No, it was Joe; I have heard my father speak of him.
Q Then they have seven children? A I never see them all.
Q How many of them did you ever see? A I seed uncle Riley Dawson and James Dawson and Jack Dawson and Betsy Ann Petty; I don't think I saw but one of Pa's sisters and brother, they went to Mississippi I think.
Q Do you know what your family history says that the mother of your grandmother, Pollie Rogers' name was? A We have no history.
Q Well, as it was brought down to you; did you ever hear anybody say what your great grandmother's name was? A No, I don't remember.
Q What is that other man, Oliver Millerthat testified in your case? A He testified in James Dawson's case; he never testified in my father's case.
Q Well, didn't anybody testify in your case but Dr. Baker?
A Yes, sir, several other witnesses.
Q Who were they? A I don't remember; my mother got them witnesses around Tahlequah, old people.
Q Were you present? A No, sir.
Q You were only present when Dr. Baker testified? A Yes, sir.
Q Now, do you find any mistakes in Dr. Baker's statement there?
A I could not say all of that was correct or not, part of it is correct.
Q What part is correct? A Why about knowing the family over there.
Q Who is Buck Dawson? A My brother.
Q What is his name? A We always called him Buck, it is Elbert, E. Dawson.
Q Who went with you the first time you went up to make application for citizenship do you remember? A With my brother.
Q The first time? A I met my brother in Texas.
Q Which one? A E. Dawson.
Q That is Elbert or Buck? A Yes, sir.
Q You were living in Arkansas? A Yes, sir.
Q And he was living in Texas? A Yes, sir, and another one of little brothers, Dr. Dawson now:
Q Dr. Dawson now? A Yes, sir.
Q What is his name? A James.
Q And you three went there? A Yes, sir.

Mr. McKennon: Applicants by their counsel object to all the statement of this witness relating to the testimony introduced before the Cherokee Citizenship Commission, and the history of the family as detailed by him, because the same is incompetent and irrelevant, and cannot be used for the purpose of impeaching the integrity of the judgment of said Commission, or either of the Commissioners in admitting members of the Dawson family.

Commission: The objection of the Attorney for the applicants to the testimony above will be noted. The same will be filed and noted for what it is worth.

(Attorney for applicants waives examination.)

C. H. TAYLOR, being, duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A C. H. Taylor.
Q Where do you reside, Mr. Taylor? A Up near Coffeyville.
Q Were you an attorney before various citizenship Courts along in '81 to '87 in the Cherokee Nation at Tahlequah? A Yes, sir.
Q Were you attorney for F. M. Dawson commonly known as Bud Dawson?
A Yes, sir.
Q Were you present at the taking of testimony in that case? A No, sir; I wasn't present.
Q Do you know who composed the court that decided the case at that time? A Yes, sir.
Q Who were they? A Tom Tehee and Alex Wolfe and Tommy Thompson.
Q Do you know whether or not they were all there when the case was decided? A No, sir, there were only two of them present.
Q Which two? A Tehee and Wolfe.
Q Who was the Clerk of the Court at that time? A Mr. Duncan, D. W. C. Duncan.
Q Do you know what witnesses were used in the case of Bud Dawson?
A No, sir; now I was the attorney in the case and the evidence had already been filed before the Court.
Q When were you made attorney? A I was only called in as an attorney at the-- Well, Mr. Duncan came down there, and Mr. Bryant had the case and several other attorneys had the case and he employed me.
Q Did you read the evidence in this case? A No, sir.
Q Did you deliver any money? A Now, I was the attorney in the case and I don't think it would be right for me to make any statement.
Q Now, you have claimed your privilege, I ask that you answer the question? Did Dawson ever send you any money with the direction to pay it to either member of the Court or the Clerk of the Court, D. W. C. Duncan, and if so state the amount? A I had a heap of trouble over this matter.-

Commission: Just answer the question, Mr. Taylor.

A Again; the attorney I don't believe it is right for me to answer that question.

Commission: Do you refuse to answer? A Yes, sir.

Q Did the matter to which you object to testifying occur prior to the rendition of the decision admitting to citizenship or afterwards? (No response)

COMMISSIONER BRECKINRIDGE:

Q Do you desire to reply to the last question? A I don't think it is right; I was attorney in the case.
Q Mr. Taylor, do you object to answering that question? A Yes, sir.
Q You refuse to answer that question, do you? A I had rather not answer it.

Q Either answer it or say you won't answer it? A I had rather not answer it.
Q Mr. Taylor, you have answered a number of questions down to this point, but it is at this point that you prefer to plead your privileges, as an attorney, do you? A Yes, sir.

Com'r Breckinridge: The power in regard to these matters is lodged in the United States. The Court is clothed with special power with reference to matters which arise through this Commission. Of course the Commission desires and the Government needs for the taking of a correct roll the fullest information possible, but it is subject to the limitation of law, and it is not for this Commission to decide of the law in a matter of this character with any authority as I understand it at this time, but to report the matter to the United States Court and let the Court pass judgment.

Under Section 21 of the Curtis law as it is commonly called Act of June 28, 1898, the Members of the Commission shall in performing all duties required of them by law, have authority to administer oaths, examine witnesses and send for papers and persons, and the court is clothed with authority to enforce obedience. The law having enumerated certain powers goes on to say so far as all others are concerned to enable said Commission to make rolls as therein required, and to punish anyone who may in any manner or by any means obstruct said work. Now, the Commission will report the facts to the United States Court and let the Court decide whether or not you are within your lawful privilege. It seems that you refuse to answer questions, or at least one question, which tends to establish as to whether or not you are claiming what what is commonly considered a matter of privilege--according to an authority referred to by an attorney, but the enforcement of an answer seems clearly to be a matter for the Court to deal with.

Q Now, Mr. Taylor, in regard to the last question asked you by Mr. Hutchings, one of the Counsel for the Cherokee Nation, I direct that you make answer, and if you refuse I shall report the matter to the United States Court; do you refuse? A Yes, sir.
Q Now, you have read to you, Mr. Taylor, the first of the two questions propounded to you by Mr. Hutchings, and which you declined at the time to make answer; viz; as to whether Mr. Dawson sent you money to pay to the Court or to any officials of the Court, it seems to come to the question as to whether there was any collusion between you and Mr. Dawson and any member of the Court; now, I understand that you refuse to answer that question upon the grounds that you were Mr. Dawson's attorney? A Yes, sir.
Q Now, I require that you answer that question, do you refuse?
A Yes, sir.
Q I shall also report that refusal to the United States Court as it seems to come under the provision of law, relating to conspiracy between you and Mr. Dawson which apparently considered a privilege matter, and you base your refusal now, not upon the ground that you are incriminating yourself, but that you were counsel for Mr. Dawson. I will report the matter to the Court and you will be informed at the time of any proceedings in the matter I caution you not to talk with Mr. Dawson or any of the applicants in this case.

Mr. McKennon: Applicants do not object and have not objected to the witness answering on account of his privilege as an attorney or for any other cause whatever, they only want to object to the incompetence and irrelevancy of the testimony, with the privilege of cross-examining upon any testimony given by the witness.

COM'R BRECKINRIDGE:
Q You still refuse having the consent of the attorneys in the case to make answer? A I will just ask your Honor to let the matter go over until morning.

Commissioner Breckinridge: It will rest until in the morning at its present status; it is after business hours now.

As for the objection made by Captain McKennon, Counsel for the applicant, it will be taken into consideration, but will not be granted at the present.

(The Commission adjourns until 1:30 P. M. to-morrow afternoon, March 13, 1902.)

Supl.-C. D. #324.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., March 18, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of FRANCIS M. DAWSON ET AL., as citizens of the Cherokee Nation:

Appearances:
Mr. A. S. McKennon, of Counsel for applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

SAMUEL H. BENGE, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Samuel H. Benge.
Q Where do you reside? A Fort Gibson.
Q How old are you? A I am 70 years old, going in 71.
Q Are you a citizen of the Cherokee Nation? A Yes, sir; Cherokee by blood.
Q State what official position you have held in the Cherokee Nation and what your general connection with the Nation officially in the last 40 years? A Well, I had several; I have been Sheriff, Councilman, Senator, Delegate to Washington; had a hand in making the treaty of 1866, I am the only one living that signed that treaty; President of the National Council of different tribes of Indians.
Q Were you acquainted with F. M. Dawson, commonly called Bud Dawson? A Yes, sir; I knew him.
Q State you connection with and what you know about his citizenship case before what is known as the Thomas Tehee Citizenship Court? A Mr. Dawson come down, I was living down below here, he come and employed me to tend to his case and we went to Tahlequah, I believe if I ain't mistaken in 1881 and filed his case there; we went several times and continued his case on for the want of evidence, and finally while we was up there we run across one old darkey by the name of Tosh Rogers; we got his testimony and after we got that testimony we concluded that it was sufficient to go into the trial with. Tosh lived here at Fort Gibson, he was a horse trainer down here and stayed here; he claimed that he knew the Rogers and belonged to one of them and after that we thought we had sufficient evidence we submitted our case to the Court for trial, and the Court went to work and rendered a decision against Mr. Dawson.
I told Mr. Dawson right there that "our cake is dough", just made that remark, and he just made the remark "never mind", and next morning they taken up his case again and they rendered a decision in his favor. I filed no motion nor any evidence at all whatever; I give the case up right there and the decision was then given in his favor, and on our way back from Tahlequah, why we got to talking about the case and I told him: "it was a pretty hard blow when they rendered that decision against us." He said: "yes, but Duncan was the man to reach", but he reached him with five hundred dollars.
Q What position did Duncan occupy? A He was Clerk of the Court.
Q Duncan an educated man or-? Yes, sir; he was an educated man.
Q Who were the members of the Court? A Tom Tehee, Alex Wolfe and Tom Thompson.
Q How many of these could speak English at all? A One.
Q Which one? A Thompson.
Q Who was the Attorney that represented the Nation in those cases? A Why Sanders.

Q What was his given name? A Wilson Sanders; was it Wilson Sanders?
A Wilson Sanders.
Q Was he an educated man, or could speak English well? A No, sir.
Q Did Mr. Dawson say anything about the matters having cost him a good deal of money? A He said it had cost him a right smart.
Q Was any remark made on the way back about the opening up of the case, and if so, what? A He asked me if I thought the case was ever investigated eventially and I told him I didn't know.

MR. McKENNON:

Q Were you ever a witness in the Dawson case, Judg , in any of those investigations that have been made since that time? A I don't know that you might call it a witness; that young man come to me once at Tahlequah, and asked me to help him up there that the case was going against him, him and his mother and all was about knocked out and I interceded and done what I could there before the Committee. I was not a witness but that is what I don't for him.
Q That was Mr. Graham, wasn't it? A Yes, sir.
Q Have you had conversations with Mr. Grahar since that time about it? A Now, I might, I don't recollect, I might have had conversations with him.
Q Well, after the Dawes Commission began taking a census of the Cherokees and when they were about Sallisaw down here, did you have a conversation with him here in Fort Gibson about the matter?
A Now, I just can't tell you; I have seen him on several occasions, but the conversations we might have had I can't state.
Q To refresh your memory I will ask you if he did not tell you that they were making a fight on the Dawson family and he wanted to know of you whether that judgment in favor of Robert Dawson's family was fairly rendered, and did you not then tell him that it was all right, that it was fairly obtained? A Not as I recollect of; all he was; that is as I have stated he talked to me in regard to his mother, himself and probably his brothers and sisters, I don't recollect how many there were, but he told me they were rejected, that is just the words he used.
Q When? A It has been sometime go.
Q Here in Fort Gibson? A Well, that is I saw him here in Fort Gibson, and then I saw him in Tahlequah.
Q Well, did he here in Fort Gibson ask you particularly about the Robert Dawson judgment, as to whether it was fairly obtained or not?
A No, sir; he was basing his claim on the Dawson case, that is the way he-
Q That is the principal Dawson family? A Yes.
Q When was this other written statement here made, when was this made by you? (referring to affidavit heretofore referred to.)
A Yesterday I reckon.
Q Who come to take this? A Mr. Starr.
Q Who else was present when this was taken? A No, sir.
Q Whom had you told about this matter, Judge? A No one as I know of.
Q Do you know how it was that they knew that you know this?
A No, sir.
Q You never made any statement? A Never made any statement that I recollect of except I might have talked with Scales, me and him talked about these cases a good many times; if I ever made a statement it was to Joe Ab Scales.
Q How did Mr. Starr know? A I could not tell you how Mr. Starr knew.

Q He came alone here as a Notary Public? A He came alone here as a Notary Public. All he said when he come, he says "we understand that you know something in regard to these cases", I said " what case," and he went to work and named Shoemake case and Dawson case.
Q And thereupon you made this tatement? A He said he wanted to qualify me.
Q Are you certain Judge that after the rendition of tht judgment Mr. Dawson came back here to Fort Gibson with you?
A Yes, sir; we was together.
Q Let me ask you if it was not a very cold day when he came here and he went over ahead of you and you went over to Tahlequah the next day or two after he left? A My recollection was he and I went together.
Q And returned here together? A Yes, sir.
Q Did he not leave you there and go back direct to Arkansas?
A No, sir, we came here together. If my memory serves me right, I might be mistaken but then I don't believe I am, he came from Webbers Falls up here to my house, that is according to his statement.
Q What amount of fee did they pay you? A I don't know as that is in connection with the case whatever the money they paid me.
Q How didthey pay you? A Paid me the money.
Q Who paid it to you? A Dawson there and that fellow, young fellow paid me some.
Q Mr. Graham? A Yes.
Q At the same time? A Oh, no, he wanted me to intercede for him at Tahlequah and paid me to do something for him which I did.
Q I will ask you if Mr. F. M. Dawson here did not obtain two copies of the judgment one of which you sent in a letter in which you wrote to his brother living in Texas and that brother in Texas, the one they called Buck, didn't send you $50 that they paid you? A No, if I ever got a letter of Buck whatever you might call him, I don't recollect it and if I ever got a nickel from him I don't recollect it. Old man paid me what money I got from it. I don't know nothing about his brothers; he told me he had an uncle living over in Arkansas, but not living down in Texas, I don't know about it.
Q Where did he pay you the money? A Paid it here at home.
Q Before you went out? A He paid me fifty dollars before we went up and when we went up yonder he paid me fifty dollars more; if you want to know what I got, I got one hundredn dollars.
Q You were acting as his attorney in the case? A Yes, sir.
Q How many judges were there present when the judgment was rendered?
A In his case?
Q Yes, sir. A Well, according to my recollect there was all there, but if they were not all there, Tom Thompson was sick. Tehee and Wolfe.
Q Don't you remember that they were all present? A No, I think they were present though.
Q Who else was present at the time? A Oh, I could not tell you, there were several people in the house; could not tell you at all.
Q Were there several in the house the evening before the judgment was rendered against them as you say? A Yes, there were several in the house.
Q And several in the house when the judgment was rendered the next day? A I don't know how many there was.
Q Do you remember the names of any of them? A Why not exactly, mostly full bloods.
Q How long didyou remain out at Tahlequah on that trip?
A I guess I was there about three days.

Q Tending to this case alone, or did you have other cases? A no, sir.
Q Do you know of your own knowledge that the judges received any money (this question asked at the instance of Mr. Graham present) A I don't know whether the judges received nay or not.

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I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson.

March 18, 1902. Commission convened pursuant to adjournment.

Appearances:
Mr. A. S. McKennon, of counsel for applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. H. TAYLOR takes the stand and continues his testimony.
BY MR. HUTCHINGS:

Q Mr. Taylor, you said you would consider the matter yesterday and let us know whether you would answer those questions today; have you decided what you would do about the matter? A Well, it is like this, of course I don't want to be held as in contempt of the Court.
Q You would be held in contempt and the other Court would make you answer? A That being he case of course I would make a statement.
Q Are you acquainted with D. W. C. Duncan, the Clerk of what is known as the Tehee Citizenship Commission Court? A Yes, sir.
Q Did you ever have any conversation with him about letting him know of the different character of cases that would come up before the Court that you knew of, whether they were good ones or bad ones? A No, the only thi g that ever come up in that respect; he asked me if whatever large cases that would come up befor the Court to let him know.
Q Did you have any talk with him about the Dawson case during the progress of its trial or before and ever introduced Mr. F. M. Dawson to him, or carry him to him? A I spoke to him when Mr. Dawson came to Tahlequah to see about his case, and he said that he would take the papers over to his room, the Dawson papers.
Q Did you see him again that night? A Yes, sir; after supper I went down to his room.
Q Did he ask you about the Dawsons or Dawson case? A He asked me where Dawson was.
Q Which Dawson are you referring to now, F. M. Dawson, known as Bud Dawson? A Bud Dawson.
Q Well, what didyou reply to him? A I told him that I thought he had gone to church.
Q Did you find Dawson after church? A Yes, sir, he told me to come and bring Dawson down and I did so; Dawson was in church.
Q You carried Dawson to him? A Yes, sir.

Q Did you remain during the conversation? A Only a minute.
Q What was said if naything while you were present? A Mr. Duncan
[illegible] to Mr. Dawson and says "there is a hitch in your evidence."
Q Go ahead and state what else he said? A He said "if that was
straightened out it would be all right," and I turned and went away,
I says, "gentlemen, I will go home."
Q Did you know of their having any other conversation or communication after that? A No, sir.
Q You left them there together yourself? A Yes, sir.
Q Did Mr. Dawson give you any directions the next morning about submitting the case? A Yes, sir, he asked me to call it up the case.
Q The next morning? A Yes, sir.
Q Had there been any additional evidence offered? A No, sir;
[illegible] was not additional testimony offered.
Q He told you the next morning to call up the case? A Yes, sir.
Q And it called up and submitted the next morning? A Yes, sir.
Q Now, how many of the members of the Court were there present that morning? A There were only two, two full-blood Indians.
Q Could they speak english at all? A Tehee could talk a little, talk some.
Q Did that Court have open sessions all the time or what is called executive sessions sometimes? A Well, I don't remember about [illegible] it was generally when the case was submitted the attorneys would go out, the parties would go out and they would determine the case.
Q Well, did they go out i to that sort of executive session the next morning on the Dawson case? A Well, we went out when the case was submitted.
Q And was the decision rendered that morning in their favor?
A Yes, sir.
Q Who notified you of the decision of the Court? A Why, Mr. Dawson.
Q Do you remember whether he went out with you or was in there during the consideration of the case? A I think he went out with me.
Q Did you at any time thereafter receive any money, checks or other evidence money from Mr. Dawson with direction to turn it in part over to D. W. C. Duncan, the Clerk of that Court? A Mr. Dawson gave me 20 dollars and said he would send the balance in a short time, said he would send some more money in a short time.
Q Well, did he send any money afterwards? A Yes, sir, in the course of ten days or two weeks he send a hundred dollar check, draft.
Q What did he direct you to do with it? A He directed me to give D. W. C. Duncan half of it.
Q Did you give him half of it? A Yes, sir.
Q Did he send you any at any other time after that? A Well, in the course of a couple of weeks he sent me a hundred dollars more.
Q Did he direct you to turn any of that and if so how much, to D. W. C. Duncan? A He told me to give him half of it,
Q Did you give him half of it? A I did, sir.
Q Do you remember whether on Dr. Arthur Baker was the principal witness in behalf of the Dawson case? A No, sir, I don't because I never had any connection with the case, but I heard that he was a witness in the case.
Q No argument was made when you submitted the case? A No, sir.
Q Just submitted it on the testimony? A Yes, sir.

MR. McKENNON:

Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Were you born and reared in the Cherokee Nation? A No, sir;
I was born in the old Nation.

Q When did you come to the Cherokee Nation? A Come here in 13[illegible].
Q How long have you been practicing law in the Cherokee Nation?
A I think since '68.
Q You have done a great deal of citizenship business haven't you?
A Yes, sir.
Q You were in the United States Court at Fort Smith on charges in regard to the citizenship business? A Yes, sir.
Q Were you convicted there? A Yes, sir; I was convicted there on this very case.
Q And served a term of what length? A I was sent to the jail hospital for sixty days and I stayed in about 38 or 39 days, and I was released.
Q When was that? A I don't remember how long ago it has been.
Q You say it was in regard to this case? A Yes, sir; this case was the bone of contention; Clem Rogers and the Chief, they are the ones that had me arrested, carried to Fort Smith.
Q Well, now, were you charged with an offense against the law in this case, or was it in regard to some other case? A Well, it was in regard to using the mail for fraudulent purposes.
Q Sending out propositions and obtaining case for citizenship for people [illegible] Cherokee Nation? A No, sir, it was for answering correspondence.
Q Not relating to this case at all? A Well, this was the main charge, Clem Rogers went before the Court there and stated that I had got in at least three hundred Dawsons, that they were white people and not entitled to citizenship and that was the main trouble.
Q Well, now, was the charge based upon that or was it based upon your letters you sent out to other people? A That was the charge for using the mail for fraudulent purposes.
Q The use of the mails for fraudulent purposes not in connection of this case was it? A Not particular of this case.
Q Then the trouble you had was the prejudice of Clem Rogers and others caused by your connection with the Dawson case; that is what you mean to say? A Yes, sir.
Q Why did you say because you were charged with an offense based upon this case? A Well, the prejudice grew out of this case.
Q Now, then, you had full conversation with the representatives of the Cherokee Nation as to your testimony in this case, did you not before you came on the stand? A Yes, sir.
Q You had told them of these particulars before you came on the witness stand did you not? A Yes, sir.
Q Yet when you came on the stand you assumed to have conscientious scruples as to answering as to matters which occured between you and your client, Bud Dawson, in relation to this matter and declined to answer clairing your privilege as an attorney did you not? A Yes, sir; I didn't want to make a statement at all in the matter.
Q You had voluntarily made a statement to the representatives of the Cherokee Nation? A Yes, sir; I had stated to Mr. Hastings; he summoned me and I come down here and I didn't want to make a statement to him but he insisted.
Q He had no power to compel you to make a statement? A No, sir.
Q You could then make it very freely and your conscience did not hurt you, but when you came on the stand you were very conscientious about it? A I didn't want to make a statement at all unless I I would be put in jail here if I didn't.
Q But you had armed them with information by which they could ask you these questions when you came on the stand? A I had told Mr. Hastings.

Q You knew when you gave him that information that you would be brought on the stand as a witness, did you not, by reason of that?
A No, I didn't know that I would be compelled to make a statement in the matter, a sworn statement.
Q You thought you would not be compelled to answer?
A I didn't think the law would compel me to make a statement.
Q Why then did you make a statement to him about it? A Oh, he was asking me about it, and I told him that I didn't want to make a statement, and I didn't for quite a while after I came down here.
Q When the enrollment division of the Dawes Commission was in Tahlequah, in the winter of 1900, did you not there meet F. M. Dawson and did you not then and there say to him "I told Shoemake I would be for him if he would employ me in his case and if he didn't I would be against him, and the same to you?" A No, sir; I said to him this; I says that if there is not something done that I will likely be summoned against you and Mr. Shoemake both.
Q What did you mean by that? A Well, I just meant this, I just left the matter with him to say what he wanted to do in the matter; I only spoke a word or two about it. I was going out of town just as he came in.
Q When you told him if something was not done you would be summoned as a witness against him; what did you mean by that? A Well, I just meant that the chances were that the Nation would summon me against him.
Q What did you mean by the expression "if there was not something done" that you would be summoned as a witness?
A Well, I meant this, if I was re-employed in the matter if he was to have a case and I was re-employed I would not be required.

Q You could be required to make a statement as to declarations made to you by your client to you in one instance, but if a little more money was put up you could not be required to make a statement; is that what you mean? A I didn't think I could be forced to make a statement at all in the matter.
Q Why did you make that expression to him "if something wasn't done you might be summoned as a witness" if you believed you could not be made to make a statement? A I meant if I was employed in the case.
Q If he would put up you would not testify? A That they could not force me to testify.
Q About the month of February, 1901, in the town of Wagoner, Indian Territory, did you not send your son to get Graham to come to the hotel at night, and did you not then and there say to Gid Graham; "you people are on the doubtful list and if you will give me $500. I will make it all right and see that you are enrolled and if you don't I will se that you don't get on"? A No, sir; I got a letter from Gid Graham in which he asked me to certify that the case was all right and after I met him I told him that I could not do it, that the case was crooked, he then said to me, he says, "I will give you a hundred dollars", he says "will you take a hundred dollars," I said "no, sir." I didn't make any bid, that is I dddn't set no price with him.
Q You did not say to him then what I have embraced in that question there? A No, sir.
Q You did have a conversation with him about that time and at that place, did you not? A Yes, sir.
Q You say you didn't make any bid or set any price? A No, sir; he offered me a hundred dollars.
Q Why did you send for him to come to the hotel? A In answer to his letter.

A Did you not ... yesterday morning on the street in Muskogee, Indian Territory, in a conversation with W. H. Shoemake say to him: "You have made a great mistake in not keeping in your employment and so have the Dawsons and it will go hard with you and you will see it"? No, sir; I says to Mr. Shoemake, I says: "Who have you employed in your case," and he says "Judge Thomas and Mr. Owen." I said "It might have been a advantage to you if you had retained me in your matter;" Well, he says "there was nothing wrong in my case" and I says "no, there is nothing wrong on earth in your case that I know of." He said all he wanted was justice and I said "I don't know a thing on earth against you," and I says "there is not a thing on earth wrong in your case as I know it came up fairly and squarely and decided in your favor."

Q You said nothing to him about the Dawson case? A Yes, I said to him "it might have been well if the Dawsons had retained me in their case." I said "I am summoned on the part of the Nation and I don't want to make a statement and I wont if I can possible avoid it."

Q Was that before or after you talked with Mr. Hastings, the representative of the Nation? A It was afterwards.

Q You meant by that if you had refused to answer you could have gone to jail? A No, sir; if they had employed me before hand I need not now.

Q You mean that if they had employed you before hand you would not have given this information to Mr. Hastings? A I would not be required, being the attorney.

Q Were you required to give him the information; did you know that you had to give him any information? A Who do you mean.

Q Mr. Hastings. A I did refuse him and he insisted.

Q Well, he no authority to compel you to do it? A No, sir; I don't know whether he did or not.

Q As a lawyer you knew that he did not have authority to compel you to make a statement to him? A I told him that I was an attorney in the case and I didn't want to make any statement at all.

Q Why did you do it? A Well, he intimated to me it would go no further. He said to me "I will not make this matter — I will not use it;" that is, what I stated to him was part in confidence.

Q And he pledged you his word that it would not be used? A Well, told him I could make a statement in confidence, and that I didn't want to make a statement before the Court.

Q Well, what did he reply, as you said just now? A Oh, he says make the statement and then I told him—I regretted very much to do it, and I regret very much to make a statement here. I tried to avoid it yesterday.

Q You stated just now that he said it would not be used; did he say that or not? A Well, something to that amount; oh, he says it wont make any difference or something to that effect.

Q Now, don't you know that Mr. Hastings did not intimate to you that the statement he was asking you to make would not be used? A Well, I didn't think that I could be forced to make a qualified statement before the Court here, because I thought my license would protect me in that matter.

Q Yet it did not protect you or prevent you from making a statement to the attorneys for the Nation? A No, sir.

Q Now, in this conversation with Shoemake to which I before referred did you not ask him to again employ you and tell him if he would you would make it all right for him? A No, sir; I didn't say that; no, I said if he had employed me in the matter "maybe it would have been better for you." Now, he offered me when I was down here last week, he offered me five dollars to go down and talk with his lawyers on the matter, I didn't go I was busy.

Q That was not your price? A No, no, I had nothing to say in his case that would be to his advantage; I knew nothing against him.
Q Now, then, you say that your were present on the morning that the judgment was rendered in favor of the Dawsons? A I was not in the Court house.
Q You were present in Tahlequah? A Yes, sir.
Q How long had you been at Tahlequah? A I was living there at that time.
Q When were you first employed by them? A By Dawsons?
Q Yes, sir. A The evening before the case was tried.
Q You say that after he judgment was rendered Dawson handed you $20? A Yes, sir.
Q And told you to hand to Duncan? A No, sir.
Q What was your statement? A That he paid me $20 and says "I will send you some more in a short time, week or so.
Q And then he sent you $100? A Yes, sir.
Q And wrote you to give D. W. C. Duncan $50 of it? A Yes, sir.
Q And then sent you another $100 and told you to give him half of it? A Yes, sir.
Q How much did they pay you? A Well, that was the agreement, was that he would pay me $50 a family.
Q How much did he pay you? A I think there was $250; now I am not sure about the $50, but it appears to me like there was a $50 sent, and Mr. Duncan asked me, as well as I remember, says "have you got a letter from Dawson," I told him "yes, sir." It was either that or the $100, and he says "I would like to have some money", and I went to Stapler's and got it changed-- I won't be sure about it being $50 or $100--I went to Stapler's and got him to cash the check and give him his part of it..
Q How much did they pay you for your services? A That is all I got.
Q How much? A I think it was $100, $120.
Q What did you do for them? A Didn't do a thing only called up the case and submitted it; never read the evidence.
Q Submitted it without remarks? A Yes, sir.
Q And for that you say they paid you $120? A Yes, sir; $120.
Q Was Hounton Benge present when that was done? A No, sir; I don't think he was.
Q Did you see him then at that time in Tahlequah? A I don't remember.
Q Were you associated with him in any manner in connection with the case? A No, sir.
Q You had a great deal of business of that character, have you before the Courts? A Yes, sir.
Q Were you paid like fees in other cases for like services? A Yes, sir.
Q In many of them? A Yes, sir, good many.
Q All like cases? A Oh, citizenship cases.
Q When was it you were in jail at Fort Smith? A I don't remember; Mr. Mellette can remember, he was there, he was my attorney.
Q Was it about 1883? A It was somewhere along there, along in 1890 somewhere.
Q That has been your principal business as a lawyer, has it not? A Yes, sir.
Q You have never practiced much in any other way have you? A Very little.
Q Were you in the habit of working your cases through in the same manner in which you state you worked this through? A No, sir.

Q This was an exception was it? A I never worked this case through. I simply called the case up by request of Mr. Dawson. I read the evidence; don't know what proof there was in it; he just asked me to call the case up.
Q And he agreed to pay you $50 a family for doing that? A Yes, sir.
Q Was that what you required of him? A That is what he agreed to pay. I says "what will you give?" He says "I will give you $50 a family.

MR. HUTCHINGS:

Q At the same time that the attorney for the Nation was talking to you about the Dawson case he also made inquiries about the Shoemake case didn't he? A Yes, sir.
Q And you told him at that time before you knew anything about whether you would be made or compelled to testify that so far as you knew there was nothing you knew detrimental to the Shoemake case? A Yes, sir; that is what I said.
Q You told him at the same time that you not only expected to claim you privilege as an attorney in the case, but that you told him, Mr. Hastings, with the full belief that the Court would sustain your position? A Yes, sir.

Mr. McKennon: That is very leading.

Q Now, did you think that the re-employment, being the attorney in the pending case would strenthen your position or weaken it, when you spoke to Mr. Dawson? A What I thought in the matter was before ever I would be summoned in the matter, a long time ago, that if I had been employed in the matter of course my position would have been such that I would not have been required or could not have been forced.
Q Did you think under those circumstances that Mr. Hastings would approach you about the subject? A No, sir; I don't think I would be forced to, having license to practice law.
Q Did Mr. Hastings tell you at the time that he was going to put you on the stand? A Yes, sir.
Q And let the Court decide? A Yes, sir.

MR. McKENNON:

Q Now, have you a liconse to practice in the United States Courts? A Yes, sir.
Q In the Territory? A Yes, sir.
Q And also in the Indian Courts? A Yes, sir; do you want to see them?

JAMES W. LEWIS, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your anem please? A J. W. Lewis.
Q James W. Lewis? A Yes, sir.
Q Where is your postoffice, Mr. Lewis? A Afton.
Q How old are you? A 73 years old.
Q What is your business ? A I work at the tin business and gun work.
Q Do you know one James Dawson, the brother of F. M. Dawson and the other Dawsons? A I know old man James Dawson.
Q That is the one I mean, old man James Dawson? A Yes, sir; I know him.
Q How long have you known him? A Well, some four or five years, I guess.
Q How long? A Four or five years I think.

Q When did you come to the country? A I have been in the country 30 odd years.
Q Well, when did he come to the country, do you know? A Along about somewheres in eighty if I recollect right, might have been later than that.
Q How did you happen to get acquainted with? A He lived right close by me and I built a house for him.
Q Did you have any conversation with him at the time you built that house? A Yes, several different times.
Q About how he became a citizen of the Cherokee Nation, about the circumstances? A Yes, sir.
Q Did he make any statement to you about the use of money in getting his citizenship, and if so, state what he said?
A Well, he told me that it cost him $700 to get his rights.
Q Didn't tell you to whom he paid it? A No, he didn't and I didn't ask any questions.

MR. McKENNON:

Q How old was he at that time, do you know? A I do not know exactly, must have been somewheres near about 70 years old, he might have been older than that, I don't know.
Q He was a very old and feeble man? A Yes, he was old and feeble.
Q He seldom ever got out away from his house? A No, sir, only short distance.
Q When you first knew him he was that kind of man? A Yes, sir.

J. L. CLINKENBEARD, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A J. L. Clinkenbeard.
Q What is your post office address? A Vinita.
Q How old are you? A 56.
Q Were you ever an applicant for citizenship before the Tehee citizenship Court in Tahlequah? A Yes, sir.
Q About what time was that? A September '81, I think.
Q Did you meet there about that time, one Elbert or Buck Dawson?
A Yes, sir.
Q How did you happen to meet him? A He and I stopped at the same place, man's by the name of Sharbow.
Q You and he stopped there, did you, board there? A Yes, sir.
Q Well, did you have any talk about citizenship cases, yours and his? A
A Yes, sir.
Q Where did he state that he was from? A Texas.
Q Well, state what you can remember of the conversation between you from time to time about citizenship in the Cherokee Nation?
A Well, we were there on the same business and we talked about it at different times, and in talking about the evidence we had there I, of course, told him how many witness I had and what I could prove and so on, and he said that he didn't have but one witness, Dr. Baker from Arkansas, a man that was 85 or 90 years old, he said, and he hadn't come and said he was to have met him there, but he hadn't come.
Q Well, what did he say about the doctor's knowing anything?
A Well, he said he was 85 or 90 years old and didn't know straight up.
Q Well, did he say anything about giving him whisky?
A Well, he said he could give him four drinks of Arkansas whiskey and he would swear that black was white.

Q [illegible] about what money would do in Texas or Indian [illegible]? A Well, in talking about the evidence, he said that [illegible] could go down in Texas and he said "I come to get the run of the land" and he says "I found out it goes there," or words to that effect.
Q Did he say what he had to spend on the question? A Well, he said that he could stand a thousand dollars on it and not be hurt very much; finally he said he could stand more than that.
Q What did he tell you what he thought about the necessity of witnesses anyhow? A Well, I don't know as he said as to that, but I understood from what he said that he thought money would beat witnesses.
Q Well, where did he go from there? A He and I left there together; he rode to Muskogee by way of Fort Gibson and there we parted.
Q Did you ever see him after that? A I saw him about two years or something like that afterwards.
Q Where? A Vinita.
Q Did you refer to the citizenship matter? A I asked him how he come out and he said all right.
Q Was he deformed in any way this man? A He had a crippled hand or stiff finger; I don't remember just what it was now.

J.R. McKENNON:

Q Your first conversation with him was in '01 was it? A Yes, sir.
Q What time in '01? A September.
Q You were then an applicant for citizenship? A Yes, sir.
Q Were you admitted? A No, sir.
Q You are still an applicant? A No, sir.
Q You are still working to get in as a citizen of the Cherokee Nation? A No, sir; haven't quit it entirely.
Q What business are you in now? A I am running a dairy in Vinita.
Q When did you make these statements now to the representative of the Cherokee Nation? A Well, sir, I haven't; I saw Mr. Hastings I believe here last Saturday the first time.
Q How did they ever know that you had had these conversations with Mr. Dawson? A I don't know.
Q You don't know how they found that out? A No, sir.
Q You say you saw Mr. Hastings here last Saturday? A Yes, sir.
Q Now, did you approach him or did he approach you? A He approached me.
Q You know why? A No, sir; I suppose somebody I have told something at some time about this, I don't know when or who. I don't remember of having talked to anyone about it. I have saw Mr. Hastings for years.
Q Now, you say--how was that expression about his giving Dr. Baker three or four drinks of liquor? A He said the old man; he said that Dr. Baker, he was expecting him there and he didn't come, and he said he didn't care where he did or not; he said he was 85 or 90 years old; he said he didn't know straight up; said he could give him three or four drinks of Arkansas whiskey and he would not know black or white.
Q Now, he said that did he? A Yes, sir.
Q You are just as positive of that as you are of any other statement he made are you? A Yes, sir.
Q You say you next saw Dawson at Vinita? A Yes, sir.
Q How long afterwards was that? A About two years, I think something near that.
Q Did he move to the Territory? A Yes, sir he lived at Vinita at one time.

Q You speak about having a dairy business there at Vinita, to what extent? A I am only milking about four cows now, I sent the others to the country.
Q Do you run a dairy wagon there? A No, sir.
Q You serve on the jury a good deal? A I have been serving on the Petit jury there this winter.
Q Generally? No, sir.
Q Are you a kind of a professional juror? A No, sir; I was on the regular petit jury, I was on the regular panel and served.

C. G. BRAUGHT, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A C. G. Braught.
Q What is your age? A 62 29th day of last January.
Q What is your post office? A Fairland.
Q How long have you been living in the neighborhood of Fairland? A Been living there 19 years.
Q Do you know one Bud Dawson or F. M. Dawson as his name is? A I do.
Q How long have you known him? A About 18 years.
Q How close do you live from him? A Half a mile of him.
Q Does he still own that place? A I think he does.
Q Were you an applicant for citizenship along about '81 or '2 at Tahlequah? A Yes, sir.
Q Did you have at any time a conversation with Bud Dawson about his and your citizenship cases? A Yes, sir.
Q State what he stated to you of citizenship cases in general and about his own in particular, you can state the time that you had these conversations as near as you can? A Well, I think it was in '83, he told me if I ever got in I would have to put up; he said it cost him $700 to get in; he said he paid one witness three hundred dollars.
Q Did he state the name of that witness? A No, he did not.
Q Whom did he say he made arrangements with? A He said he made arrangements with the Court; that is, heads of families to get them in at one hundred dollars apiece.
Q Do you know what time of the year tht was, whether it was in the summer or not? A I think it was in June.
Q Did he make any other statements to you at any other time? A No, sir, I don't think he has in regards to that matter.
Q You have been living neighbors with him? A Yes, sir.

MR. McKENNON:

Q You say this was about June of '83? A I think it was in June, 1883, I won't be positive whether it was June or not.
Q You were an applicant; were you admitted? A No, sir.
Q Have you been admitted? A No, sir.
Q You are still an applicant? A Yes, sir.
Q Still trying to get in? A Yes, sir.
Q Where was this conversation had? A Had at Bud Dawson's house.
Q ~~What part of the premises? that is, in his residence?~~
A Yes, sir.
Q In the house? A Yes, sir.
Q Who was present? A There wasn't anybody present; he just built the house and there wasn't anybody there.
Q Was there more than one room? A I won't be positive but I don't think there was but one room, log house.
Q Just one room? A Yes, sir.

Q And in that room he made this statement to you? A Yes, sir.
Q He and you are enemies are you not? A No, I don't think we are enemies.
Q You are not friendly at all? A Friendly part of the time, and part of the time we ain't.
Q Haven't you had considerable trouble about the lands between your farms? A No, sir; we ain't had any trouble.
Q Didn't you have his little boy arrested recently for a difficulty?
A Yes, sir.
Q And you say that you are not on bad terms with him?
A Why we speak, have conversation, have right right along all the time.
Q Is it not a fact now that you and he have been all the while at outs? A No, sir.
Q You don't have any unkind feeling towards him? A No, sir.
Q What were your other remarks? A I said no, sir, I didn't have any unkind feeling towards him.

(It being 5 o'clock, the Commission adjourns until 8:30 o'clock to-morrow morning.)

March 19, 1902.
Commission convened pursuant to adjournment.

Appearances:
Mr. A. S. McKennon, of Counsel for Applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. G. BRAUGH, re-called, further testified:

MR. McKENNON:

Q Mr. Braught, you were a claimant under the Watts family are you not? A Yes, sir.
(witness excused.)

CHARLES D. KENNEY, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Charles D. Kenney.
Q What is your post office? A Dawson now.
Q Are your a citizen of the Cherokee Nation? A Yes, sir; supposed to be.
Q Recognized as such are you? A Yes, sir.
Q How old are you? A There is no family record, my parents died when I was young, I just guess at my age, I am somewheres between 44 and 45 years old.
Q Were you personally acquainted with one Elbert or Buck Dawson?
A I knew Buck Dawson when I saw him.
Q Did you know him in the state of Texas, if so state what time?
A I knew Buck Dawson, knew him and saw him at different dates in Texas.
Q Well, in the year '81 in Clay County, Texas, did you ever see him?
A It was in '81 or 82, I think I know him in both years.
Q Did you ever have any conversation with him in the presence of Bill Smith, Jiles Flippin and Joe Preston about his application for citizenship in the Cherokee Nation? A Mr. Dawson and Flippins were talking in regard to grass down there before one time and

it was mentioned, I was going up on the strip and Buck Dawson says "he an Indian" and Jiles said "yes, he is an Indian", and "By God," I believe is the way he spoke, "if I was an Indian I would not be punching cattle, I would have stock eating my grass."
Q What did he say about making application? A He said he was going to the Chickasaw Nation and prove up and get him some grass.
Q Who was that? A Buck Dawson.
Q Well, did anybody suggest about his going to the Cherokee Nation? A Yes, sir, I told him, I says "why don't you go to the Cherokee Nation, why don't you go up home" I believe is the way I spoke it, "up amongst God's people;" and he says "are they all white like you?" and Jiles spoke up and says "majority of them."
Q Well, what did he say to Jiles then? A He says "let's go up Jiles", just in a whole crowd of cow punchers, and Mr. Flippin says "Hell, I am going; brother John is getting ready to go now."
Q Well, then what did he say to you? A He says "Who are your best lawyers up there, Kenney," and I told him "Hooley Bell was counted the brainiest man in our country."
Q Well, do you know whether he claimed to have any Indian blood or what he was claiming in that country, whether white man or Indian? A No, sir, I could not say what he was; he was generally known down there as Buck Dawson, a citizen of the State of Texas, that is all I know of him.

Mr. McKennon: The applicants object to all of the testimony of this witness because it is wholly incompetent and irrelevant.

Mr. McKennon:
Q Were you born and reared in the Cherokee Nation? A I can't tell you where I was born; I was raised here part of the time and in Rusk County, Texas. B. F. Alberty was my guardian.
Q Were you admitted to citizenship by the Council or Court? A I think both of them passed on me; I can't tell you the date.
Q About what time? A It was sometime in '80 though.
Q What tribunal first? A I don't know; I don't know either when I was admitted, I was re-instated at Council.
Q When? A I think it was in '87 or '88.
Q Haven't you been arrested for crime and charged with crime? A Well, I didn't know that I was on trial; I have been arrested a hundred times I guess from here to the Rio Grande.
Q For what offense? A For gambling, stealing; if I am on trial I have had lots of them, I have been on the road.
MR. HASTINGS, of Counsel for Cherokee Nation:
Q Were you ever convicted? A No, sir.

Mr. McKennon: Applicant makes further objection to the testimony of this witness on account of his criminal character stated by him.

THOMAS B. BABBART, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name, please? A Thomas B. Babeart.
Q What is your post office? A Melvin.
Q What is your age? A 49.
Q Are you a Cherokee by blood? A Yes, sir.

Q Did you know one James Dawson? A Well, yes; I did; I have seen him time or two.
Q Were you in Tahlequah about the time he had an application before the Spears or Snake Puppy Citizenship Court? A Yes, sir; I was there about the time the case was settled.
Q Did you know Aaron Butler? A Yes, sir.
Q Who was he? A He was a Cherokee Interpreter for the Court.
Q Do you know James Smith? A Yes, sir.
Q Who was he? A He was the Nation's attorney before the Court.
Q Well, did you about that time have a conversation with either Aaron Butler of Jim Smith in company with Mr. James Dawson? A Yes.
Q State the full particulars of it? A About that time this man Dawson and Butler come to me while they were all together, all three of them, and Butler come and called me off to one side, that was down at a colored church, it was after dark, and they called me off there and this man Dawson borrowed some money from me, he said he had to have it that night, his case was goin, to be submitted the next morning.
Q Well, did he say anything about whether he could get his case submitted if he had some none? A Well, from the language to me and Butler, he wanted this money; Smith had agreed to submit the case without further evidence in the matter.
Q Well, did you let him have the ten dollars? A Yes, sir.
Q Where did they go then? A They walked off up towards town.
Q Did they go together, those three? A Yes, sir.

MR. McKENNON:

Q Was that James Dawson, the leading applicant in that case?
A Yes, best of my recollection that was.
Q How old a man was he? A I don't know; I could not tell you; he looked, I don't know, he might have been—could not tell you just about how old he was.
Q Well, about how old was he, 25, 30 or 40? A Yes, he was older than that, from my judgment I guess he must have been 45 or 50 years old.
Q Is he living or dead? A I don't know.
Q Where have you been living? A I have been living down here near Tahlequah.
Q What was the man's name, Dawson's name? A Jim Dawson I think.
Q You are certain of that? A Yes, sir; I am pretty certain.
Q They came to you with Smith, the Prosecuting Attorney, and Butler, the Interpreter? A Yes, sir.
Q Dawson took you off to one side? A Butler took me to where Dawson was and introduced me to Dawson and vouched for Dawson being all right for the money.
Q When did you first make a statement of this matter to anybody?
A I guess—I don't remember when.
Q How long have you been in Muskogee this time?
A I have been here since, I was summoned here last Friday.
Q Did you ever make any statement to anybody about this before that time? A Yes, I talked to Butler about it.
Q When? A Oh, about, first I remember it has been about two years ago, and Butler was talking to me about it; it was at my house.
Q Were you born a citizen? A Yes, sir.
Q You weren't admitted to citizenship by the Courts or Council?
A No, sir.
Q You have been living in the Cherokee Nation all your life?
A Well, I was born and raised here; ; I haven't been here all the time; I have been out and in.

Q You have never seen that man Dawson since? A If I have I have never known it, but I seen him the next day.
Q You saw him and took a good look at him, and know about what kind of man he was? I saw him around there about several times.
Q You think he was about 35 or 40 years old? A That would be my guess at it, my recollection.

Mr. McKennon: Applicants object to the testimony of this witness, all of it, because it is wholly incompetent and irrelevant.

DELIA A. BREWER, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your full name? A My husband's name was O. P. Brewer, but generally I sign my name Mrs D. A. Brewer.
Q What was your full maiden name? A Delia A. Vann; well it was really Delilah but I never was called by that name, it was De altogether in my young days.
Q What was your father's name? A His name was Joseph Vann.
Q Was he called by any nicknames and if so how many, and what?
A None but the Cherokees, the full-bloods called him Joe Aney.
Q What does that name mean when you talk English? A Rich Joe.
Q Did any of them call him Big Joe Vann? A I don't know; he was a large man; larger than the other Joe Vann.
Q There was another Joe Vann? A Yes, sir.
Q Did your father have any sisters and brothers? A He had quite a number of sisters.
Q Did he have a half sister? A Had two half brothers.
Q Did he have a half sister? A Had several half sisters.
Q Who did they marry? A Different persons; I knew the names of all of them but I have a bad memory, but I know that there was one, a Mrs. Ibbie Wolfe, and Mrs. Lamer, she was first a Mrs. Nicholson and she became a Mrs. Lamer and lived in Alabama and never come to this country, but she has grandchildren in this country.
Q Well, did any of your father's sisters or half sisters ever marry a Rogers? A No, sir.
Q Never had any Rogers kin-folks? A No, sir, I certainly would have heard of them through my family, there was a great many of the kin-folks I never saw, but I heard of them.
Q The Dawson case was talked of here for many years, they claiming kin?
A I never knew until I understood they claimed to be kin to the Vanns, and I flatter myself that my family was prominent enough that they never claimed kin.
Q They never claimed kin at all? A No, sir.
Q Did your father ever had a sister or half sister by the name of Annie, Anna or Alsey? A No, sir.

Mr. McKennon: Applicants object to all the testimony of this witness because it is incompetent and irrelevant.

SAMUEL TOLLIVER DAWSON, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Samuel Tolliver Dawson.

Q That relationare you to the Dawsons? A Well, I a not acquainted with none of these Dawsons, I guess I am cousin, that is what he told me.
Q Who was your father? A Samuel Riley Dawson.
Q What did you say your father's name was? A Riley Dawson.
Q Do you know what his full name was? A Samuel Riley Dawson.
Q What children had your father? A Why, he has got, you mean his first children or his whole family?
Q I want all of his children? A I don't know, I will have to count a while on them, there was nine or ten of them.
Q Just one or two of them I care for; is Mrs. Lewis your sister?
A Yes, sir.
Q Your full sister? A Yes, sir.
Q Was she a daughter of S. R. Dawson, Jr.? A Yes, sir.
Now who were the parents of your father, , Samuel Dawson?
A Why Sam Dawson was his father.
Q Sam Dawson was his father? A Yes, sir.
Q What was Sam Dawson's wife, if you know their family history, what your father said or what your grandfather said? A I have heard that she was a Pruitt, my father said; of course I don't know.
Q What was her given name? A Annie.
Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.
Q Saw him? A Yes, sir.
Q Do you know about how old he was when he died? A He was somewhere up about 90.
Q About how old were you when your grandfather died? A I don't remember exactly how old I was, I must have been somewhere near 12 years old when my grandfather died.
Q Was your father his youngest child? A Yes, sir.
Q Do you know about when your father was born? A Well, no, I don't, he died in '90 and he was 67 years old.
Q He died in about '90 and was about 67 years old when he died?
A Yes, sir.
Q And he was the youngest child? A Yes, sir.
Q Now, do you know how many children your grandfather had , that is brothers and sisters of your father? A I heard him say seven.
Q Well, did you ever hear your father or grandfather speak of whether or not your grandmother was a white woman or an Indian?
A Well, I heard my father speak about it, I don't know that I ever heard my grandmother say anything about it.
Q Well, what did he say about it? A I have heard him say his mother was not an Indian.
Q Did you fathercome here and apply nce for citizenship?
A Yes, sir.
Q Was he admitted? A I think not.
Q Did you hear him make any statements about he ground he expected to get in? A He said his brothers had proved their rights here and if his brothers had any rights he did, but I don't know.
Q Well, in that connection didhe say whether his mother was an Indian or white woman? A Never heard him say that his mother was a white woman in speaking about that, I don't know whether he said anything about that or not; I have heard him say his mother wasn't no Indian.

Mr. McKennon: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

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(Taking of testimony continued by Stenographer M. D. Green)

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

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(Continued from testimony taken by Steno. J. O. Rosson.)

March 19th, 1902, at Muskogee, I. T.

Appearances:
Mr. A. S. McKennon and Mr. Mellette, attorneys for the applicants.
Mr. T. T. Hutchings, and Mr. W. W. Hastings, attorneys for the Cherokee Nation.

EMMA BRASHIERS, being first duly sworn, and being examined testified as follows:
BY MR. HUTCHINGS:

Q State your name? A Emma Brashiers.
Q What was your maiden name? A Emma Dawson.
Q What was your father's name? A Samuel Riley Dawson.
Q What was his father's name? A Samuel.
Q What was your grandmother's name? So far as you know from family history? A Her maiden name was Annie Pruett.
Q Then your father, if I understand you, was the son of Samuel Dawson and Annie Dawson, nee Pruett? A Yes, sir.
Q Did your father have a brother named Robert, and a brother named James? A Yes, sir! that is what I was told.
Q And had a sister named Mrs. Petty? A Yes, sir.
Q And another one named Mrs. McGee? A Yes, sir.
Q And another brother named John? A Yes, sir.
Q What relation are you to Mrs. A. S. Lewis? A Sister.
Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.
Q You have a distinct recollection of him? A I, yes, I can remember him, but I was small.
Q About how old were you you suppose when your grandfather died? A About 6.
Q Was your father's birth recorded in the family Bible? A Yes, sir.
Q You know whether your grandfather's record of marriages and deaths were recorded in any Bible or not? A I was, but we haven't it.
Q What became of it? A Got burned.
Q Well, about what year do you remember that your father, Samuel Dawson was born? A I believe it was '23.
Q In 1823? A Yes, sir.
Q And how old was he when he died, if you recollect? A He was between 64 and '7.
Q Did you ever hear your father speak of his relations, his father and Mother, as to whether they were white people or Indians? A Yes, sir, they were white people.

Q You know whether in the family you grandmother was spoken of by the name of Annie, always? A Yes, sir.

BY MR. McKENNON: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

ALEX S. LEWIS, being first duly sworn and being examined, testified as follows:

BY MR. HUTCHINGS:

Q State your name? A Alex S. Lewis.
Q What is your post-office? A Dawson, Indian Territory.
Q How old are? A 59 years.
Q What was your wife's maiden name? A Elizabeth Pamela Dawson.
Q Who was your wife's father and mother? A Her father was Samuel R. Dawson and her mother was the wife of Samuel R. Dawson, did you want her maiden name?
Q Well, if you know the maiden name of your wife's mother, state how you know it? A Well she was called Margaret, Margaret Queen was her maiden name.
Q The maiden name now of your wife's father's mother? A Why the maiden name of my wife's father's mother?
Q Yes, sir? A From what her husband and my father-in-law told me it was Annie Pruett.
Q What is the name of your wife's father's father? A My wife's grandfather on her father's side, Samuel Dawson.
Q And his wife's maiden name was Annie Pruett? A Yes, sir.
Q Did you know the old gentleman, Samuel Dawson, you wife's grandfather? A Yes, sir.
Q Personally? A Yes, sir.
Q What opportunities had you to get acquainted with him? A He lived with his youngest son, my father-in-law, and visited me, my wife and I, after we were married, stayed with us quite a while; I lived near my father-in-law and he visited very often.
Q When did he die? A '74.
Q Have you any particular method of recalling that date? A Well, I was away from the house when he was taken sick, and they sent for my wife and myself, and so when I got home my wife had gone to her father's to see her grandfather, he was sick, and I remember my first wife was a baby at that time.
Q And when was your first child born? A He was born December, '73.
Q You know how old you wife's father was when he died? A Why he was up in 60, but I don't remember his age.
Q Did the old original Samuel Dawson ever tell you his age? A Yes, sir, several times.
Q How old was he at the time of his death? A He was passed 94.
Q Did he ever tell you whether or not his wife Annie Pruett had any sister or brother? A Told me she only had one brother named Bob Pruett.
Q Have any of the members of the family named their children after him? A Make it a little plain, it is a little long; my wife's oldest brother was a particular favorite of his grandfather, and he always took this boy with him everywhere, and he had named one of his,- oldest child for this brother-in-law who was a particular favorite of his grandfather; named it for him I understood.
Q How, what is his name? A Of course I don't know why he named it, but he gave him the name of Robert Pruett, and I understand it was on account of his grandfather thinking so much of Robert Pruett.
Q Did you ever hear the old Samuel Dawson speak of his brother-in-law? A Yes, sir; I have heard him say that he wished he knew what had become of Bob Pruett, he never had heard of him for a long

time; didn't know where he was, or whether he was alive or not.
Q Now, I want the children of Samuel Dawson and Annie Pruett, how many of them did you know, first? A How many did I know personally?
Q Yes, sir? AJohn James, and Samuel R. Those were the only ones of his children that I remember personally.
Q Well, remember what you know of the family, what other children did he have? A Well he had two girls, as I understand the family history, he had two girls, first, and John Dawson was the third child, and the oldest boy was John Dawson.
Q Was John Dawson the oldest boy? A Yes, sir.
Q Which was the oldest girl? What is she known by now? A I think it was Mrs. Petty, nee Bettie Dawson.
Q And John Dawson was the oldest boy? A Yes, sir.
Q And Samuel R. Dawson was the youngest boy? A Yes, sir.
Q You know anything about the time John Dawson was born, have you any way of coming at it, the oldest boy? A Yes, sir, I know that the oldest son and his wife told me.
Q What was that? A They said he was born in 1811.
Q Who was his oldest son? A Toliver H. Dawson; told me his father was born in 1811.
Q Do you remember now whether the old man had occasion to say whether his wife, Annie Pruett was an Indian or white woman, or ever said anything about it? A I know what the old man said that she was, I don't know that I ever heard the question approached in that way, I have heard him speak as to her blood, but it was in a different way that he reached it.
Q What blood did he say she was? A Well he said that she was the daughter of Mrs. Pruett, a white woman; and that her father was Captain John Rogers, a white man who lived with the Cherokee Indians, and traded with them.
Q Did he say who Captain John Rogers afterwards married? A Said he had a wife in the Cherokee Nation.
Q But that Annie Pruett was not her child? A No, sir, she was the child of Mrs. Pruett.
Q A white woman? A Yes, sir, that was the half sister of Bob Pruett.

BY MR. McKENNON:

Applicants object to all of the testimony of this witness, because it is wholly incompetent and irrelevant.

Q Did ever you apply for citizenship here? A Yes, sir; for my wife.
Q When? A My father-in-law made the application, I don't know exactly when it was, I think probably about '86, I couldn't say as to the date.
Q Before the Cherokee authorities? A Yes, sir.
Q Did he file an application before the Dawes Commission in 1896 also? A Him.
Q Yes, sir? A I don't think he did, no sir.
Q Did you? A I did.
Q On account of your wife? A Yes, sir.
Q Did you make affidavit to that application? A No, sir.
Q Who did? A I don't know, don't remember now.
Q You applied for your wife as an Indian by blood did you not?
A Yes, sir.
Q Are you still an applicant? A No, sir.
Q Is she? A No, sir.
Q She was denied was she? A Yes, sir.
Q Was there an appeal taken from that? A Application was filed if I remember, before the Dawes Commission, and they rejected the case, and then I appealed it to the District Court, and it was rejected there and then I stopped.

Q Have you ever been arrested for any crime? A Yes, sir.
Q What? A Charge of murder.
Q Anything else? A No, sir.
Q Committed on the train? A Yes, sir.
Q In a train robbery? A Yes, sir, in a train robbery.
Q How long did you remain in jail? A Appealed the case to the Supreme Court and it was reversed and sent back, and I was acquitted on that charge.
Q That all the crime you were ever charged with? A Yes, sir.
Q Haven't you been having some trouble with the Dawson family? A Well me personally I have no trouble with any of them, there is one of my boys and one of W. A. Dawson's sons-in-law had some trouble.
Q You are not friendly with the Dawson family? A That son-in-law Mr. Wooley, and myself, don't speak, and I don't think his wife speaks to me either.
Q Well you are claiming some sort of lease on the Wooley farm, aren't you? A No sir, I don't claim any lease on the Wooley farm.

B. W. ALBERTY, being first duly sworn, and being examined, testified as follows:
BY MR. HUTCHINGS:
Q State your name? A B. W. Alberty.
Q What is your post-office? A Tahlequah.
Q What is your present official position in the Cherokee Nation? A Assistant Executive Secretary of the Cherokee Nation.
Q As such have you charge of the citizenship records and books etc. of the Nation? A Yes, sir.
Q Have you made search recently for the original records in the various cases of the Dawson family before citizenship courts in Council? A Yes, sir.
Q Have you got what records you found with you? A I find what's supposed to be the original papers in the case, all that I could find. (Produces papers and hands to Nation's attorney.)
Q Where did you find these papers? A I found them in the desk in which papers of that character are filed away in the Executive Office at Tahlequah. (Applicant's attorneys examine papers produced by witness.)
BY MR. HUTCHINGS: The Nation here introduces in evidence an envelope marked No. 108, the names on the back of it are Robert, Elbert, Jasper, John, Frances, Marion, Josephine, Joseph, Jane, Mollie, Wilburn, James, Pial Dawson, versus the Cherokee Nation; the envelope and its contents.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced by the Cherokee Nation is indorsed as follows:

"No.108, Rob. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Francis Marion, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilburn Dawson, James Dawson, Real Dawson, vs Cherokee Nation, Petition for Citizenship, filed Sept. 24, 1881. Admitted Jan 11th, 1883, D. W. C. Duncan, Clerk."
In pencil "Rob. Dawson."

The said envelope contains a document as follows:

"Office of Commission on Citizenship,
Cherokee Nation, Tahlequah, January 19th, 1883.

No. 103 Robert Dawson, "et al."
vs.
Cherokee Nation.

Testimony for Claimants.

Witness:

Dr. Baker sworn testified as follows. My name is Arthur Baker I reside at Berrivill, Arkansas, Carroll County, my age is 73 years, I am not a Cherokee, I lived in the Cherokee [illegible] about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carroll County some thirty five years (line drawn through the last three words.) 35 years at my mother's house near Calhoun I became acquainted with the claimants Robt Dawsons grandmother on mother's side, & was frequently at my mother's house; though she Anna Pruit lived in the Nation side. She said she to be a half sister to Big Joe Vann, also claimed to be half Cherokee; the first time she brought the claimant's mother to my mother's house the the claimant's mother was about grown, when I was a lit le boy she called her daughter Polly Rogers said Capt. John Rogers who was a boat up the river the father of the child; I saw the girl frequently there at my mother's and there at Louis Rogers Store I saw her occasionally until I was 15 or 16 years old and I think then Old Capt. John Rogers took her off to school. I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of Old Samuel Dawson. I stayed all night there and we and I had a talk over our old matters, and I asked her when she became acquainted with Dawson and she said at the ti she was going to school. And she said after she left school that Dawson followed her home to the Nation and they were t re married. I have told that precisely in the words she used.

Capt John Rogers claimed to be one fourth Cherokee, the claimant is the son of Polly Rogers and I know Polly Rogers to be the daughter of Anna Pruet, and I know the claimant to be the son of Polly Dawson Capt Rogers then resided in the Cherokee Country about twelve miles from Calhoun on the Hiawassa River.

Anna Pruet resided in the Cherokee Nation as long as I stayed there the Dawsons when I got acquainted in then Arkansas were reconstructed where they were as Cherokees, Robt Dawsons children is Buck, John, Marion, and two girls; the children named in the petition I recognize as being the claimants.

Question by Solicitor:

Ques. 1 How many children did Polly Rogers have?
Ans. 1 Five, I think that's all.
Ques. 2 Did you say something about someone being married twice?
Ans. 2 The claimant was married twice.
Ques. 3 Could Anna Pruet speak Cherokee?
Ans. 3 Yes she could speak it well
Ques. 4 Did Polly Rogers speak Cherokee?
Ans. 4 She could when she was young.
Ques. 5 How far did you live from Anna Pruet?
Ans. 5 Just across the river about 3/4 of a mile.
Ques. 6 Was Calhoun in the Cherokee Nation?
Ans.6 It was on both sides of the river, part in the Nation and part out in the State.

Ques. 7 Which Harnage was it went to Texas?
Ans. 7 George went first then John went they were the sons of old man Harnage that lived up here near the line.
Ques. 8 Did the claimant go to Texas?
Ans.8 No the claimant didn't go to Texas.
Ques. 9 What connection was claimant and Polly Rogers?
Ans. 9 The claimant is the son of Polly Rogers Marion here is the grandson of Polly Rogers.
Ques. 10 Where does claimant now live?
Ans. 10 He lives in Carroll County, Arkansas.
Ques. 11 Do you know what relation old Captain John Rogers was to Charlotte Rogers here in Coowescoowee?
Ans. 11 They claimed kin but what kin I dont know there were two Capt. John Rogers' in the Nation I am speaking of the time when I first came to this 1830 Country about that year 1830.
Ques. 12 Was Anna Pruet the maiden name of Claimant's grandmother
Ans. 12 Yes that was her maiden name the Indians called her Sinee.

his
(signed) Arthur. A. x Baker.
mark

Witness' hand paralyzed is the reason he signs by a mark thus "x". "

The above document is indorsed on back as follows:

"Certified copy of Affidavit, Arthur A. Baker in Dawson case, Robt," Decided by the Tehee Court in 1883. A. Riley Dawsons Step daughter a white woman married a white man, named August Bulaska."

BY MR. HUTCHINGS: We further introduce envelope No. 181, of E. Dawson for his grand-children, versus the Cherokee Nation, and its contents, to-wit: The Petition and affidavit of F. M. Dawson, and the testimony of Joseph Dawson.
(Hands papers referred to to applicant's attorneys.)

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced is endorsed as follows:
"No.181. E. Dawson vs the Cherokee Nation. For his grand children. Petition for citizenship. Filed Sept. 14th, 1883, D. W. C. Duncan, Clerk of Com. Decided Sept.13, to be Cherokees.

The contents of said envelope are as follows:

"Office of Commission on Citizenship.
Tahlequah, Cherokee Nation, Sept. 14, 1883.
E. Dawson,
No.181. vs for his grand children,-
Lulu Dauthett,
Dallas Dauthett,

F. M. Dawson for Claimant introduced sworn and in open Court testified as follows:
My name is F. M. Dawson. Am Cherokee by blood reside in the Cherokee Nation am 30 (40 written over it) years old.

I saw the Claimants, Lulu Dauthet and Dallas Dauthet in Vinita, and know them to be the grandchildren of my brother E. Dawson who is a recognized Cherokee by blood. L. M. Dauthet, the father of the Claimants, Lulu and Dallas is a white man Dauthet's wife the mother of Lulu and Dallas was a Cherokee, the daughter of my brother E. Dawson, she is now dead. The oldest of these applicants is about 9 years old. I have known them about 8 years. These children is now living with their father. One is a girl and the other is a boy. I had been acquainted with her mother all her life. If she had been now living she would have been about 25 years old - - She has been dead about 4 years as well as I can recollect, She was about 17 yc rs old when she was married.

his
(signed) F. M. x Dawson,
Mark

Office of Co mission on Citizenship,
Tahlequah, Cherokee Nation, Sept. 14, 1883.
No.181 E. Dawson
for his grand children
Lulu Dauthett
Dallas Dauthett

Joseph Dawson introduced for Claimants, sworn in open Court testified as follows:

Jos. Dawson, am a Cherokee live in the Cherokee Nation, am 31 years old.

Lulu Dauthett and Dallas Dauthett, the Claimants are Ch rokees. Fannie Dawson was their mother. Fannie Dawson was a Cherokee, that is what I wa always told. Her father was E. Dawson. E. Dawson was my brother. Mrs. Dauthett is not living now: the last time I s w Lula, and Dallas Dauthett, they were in Texas. But I have heard since that they are in the Cherokee Nation. E. Dawson recognizes them as his grandchildren and I have known them ever since they were born.

By Solicitor:

Lula is about 10 years old. The Dallas is about 5 or 6 years old. I heard that their father is now at Vinita Cherokee Nation, E. Dawson is Elbert Dawson. Th applicants' mother has been dead about three or four years. She died at Hillsboro, Texas.

I w s not present when their mother and E. Dawson had eight children to the best of my recollection, or 9. Fannie, Francis, Cartenas, Zanie, Bob, Smith, Worsh, Bert, Ella. All living but two, Fannie and Smith. They are all living in Texas when I left there. I am a brother to F. M. Dawson, we are full brot rs. My father has been admitted to Cherokee Citizenship by this Court.

his
(signed) Joseph x Dawson,
mark

To the Com ission o Citi nship,
Tahlequah, C. N. Sept. 12, 1883.

E. Dawson for grandchildren,
Lulu Dauthett,
Dallas Dauthett,
vs
Cherokee Nation.

Now comes E. Dawson petitioning for the Cherokee rights of his grandchildren, Julu Dauthett & Dallas Dauthett, by virtue of their Cherokee blood, which was derived fro the

Dawson family, who is acknowledged Cherokees by admission of your Hon. Court, at its last session in January, 1883, in view of the facts ask your Hon for a speedie and favorable consideration of our calims.

(signed) E. Dawson for grand children,
By C. H. Taylor."

This last document is indorsed on back as follows: "No. 181, Petition of Lula, Douthett & Dallas Douthitt, for Citizenship Filed Sept 14, 1883, D. W. C. Duncan, Clerk."

BY MR.HUTCHINGS: Now we desire to introduce the judgment in the case of S. R. Dawson, and others, of the Commission on Citizenship, found on page 20, of Record Book B, of the Citizenship cases in the Cherokee Nation, said book having been turned over to and now in the custody of the Commission; the judgment being dated April 26th, 1889.

BY MR. McKENNON: To the introduction of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

Record above introduced is as follows:

"Office of Commission on Citizenship,
Tahlequah, C. N. August 11th, 1887.

Docket No.		Names,	Age	Sex	Post Office,	Attorney
	1	S. R. Dawson,	66		Catoosa,	
	2	Parlee Dawson,	44	female		
707	3	America J. Dawson,	35	"		
	4	Katharine J. Dawson,	33	"		
	5	J. G. Dawson,	31	Male		Bell &
	6	Elias F. Dawson,	29	"	Applicant for)	Bryant.
	7	Toliver Dawson,	27	"	Cherokee Nation.	
	8	Ella Dawson,	20	female		
	9	Fanny Dawson,	18	"		
	10	John Riley Dawson,	11	Male	R.	
	11	Robert E. Dawson,	9	"		
	12	Claud Dawson,	7		Ancestor	
	12	Cleveland Dawson,	3		John Rogers	

-- filed August 11th, 1887."

In red ink written along Age column is the following: "Rejected April 26, 1889."

"Now this day comes the above case for final hearing, Samuel R. Dawson, bases his application for readmission to citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson a white man, Polly Rogers the alleged daughter of Captain John Rogers and Chilsey Pruitt, said to be a half sister of Joseph Vann, commonly known as Rich and no more of Cherokee blood. It is admitted that John Rogers and Chilsey Pruitt died before the roll upon which their names would appear if living at the time and specified in the 7th section of the Act of December 8th, 1886, creating the Commission on Citizenship, were made but in support of the application it is urged that certain members of the Dawson family and full brothers of the applicant were re-admitted to citizenship by the Commission on Citizenship commonly known as

"The Tehee Court", and the "Spears Court", and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the considerations which determined the decision of those Commissions of the testimony now introduced to authorize the admission of the present applicant is not relivent to the issue now pending. The 7th section of the Act of December 8th, 1886, before named provides, that "The Commission shall give a hearing to any paerson applying for citizenship in the Cherokee Nation upon the ground of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Cherokees taken by the United States," As are hereafter enumerated. Neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon eitherof said rolls the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission to citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the cases of Andrew J. Dawson, James K. P. Dawson, Jounnah Barber nee Jounnah Dawson and Jane Queen, nee Jane Dawson, and their families, as enumerated in their respective applications.

(signed) Will P. Ross,
Chairman.
(signed) R. Bunch, Commissioner,
John E. Gunter, Com'nr.

This April 26th, 1889.
(signed) D. L. Williams,
Cl'k Com'n."

BY MR. HUTCHINGS: The Nation now introduces the envelope in the case of James K. P. Dawson, and the contents, being the original testimony in the case of E. Dawson; also the judgment in said case, found on page 116, in book C., containing the records of the Citizenship Commission of the Cherokee Nation, the date of said Judgment being April 26th, 1889; this book being also in the custody of this Commission.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope above introduced is indorsed on back as follows:

"Name, James K. P. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, - - - Age, - - Years, - - Roll of 1835, Ancestor, Riley Dawson, filed the 5 day of Oct. 1887, Docket 989, Book C Page 116, Testimony on Journal - - Page - - - Decision of Commission Rejected 26 day of April 1889
Rejected."

The contents of said envelope are as follows:

"A. J. Dawson, et al.,) Office Com. On Citizenship,
(vs) (Tahlequah, I. T. Sept. 27th, 1888.
Cherokee Nation.)

E. Dawson, who being duly sworn, upon his oath, deposes and says as follows, to wit:

I am a citizen of the Cherokee Nation and reside in Coowescoowee Dist. and am 53 years old. I am acquainted with the applicant, Andrew J. Dawson, he claims to be a relation of mine. I have known him personally about three (3) years, He said his father was Joe Dawson. I know the party, the applicant, from circumstances, and have no doubt but that he is a realtion of mine.

Joe Dawson, the father of the applicant was my father's brother. Joe Dawson was considered to be a Cherokee, I think he died on the Hiwassee river in Tenn. I think he had four (4) children. I naver saw any of them but Andrew J. Dawson, and Jim Dawson.

-Cross Ex.-

Joe Dawson has been dead about 35 years he lived west of the Mississippi River, I understand. My father had four brothers. I don't know how long Jou Dawson had been living in Tenn. before he died. All that I know of the applicant being the son of my Uncle Jou Dawson, is from what he himself has told me, - My grandfather, Sam Dawson was a white man. The applicant could be of the Dawson name and not be related to me- My grandfather being a Dawson and a white man.

Attest

Connell Rogers,
Clk. Com. on Citizenship."

This document is indorsed on back as follows:
"Testimony of E. Dawson in case A. J. Dawson."

The judgment above introduced, and found on page 116 of Book C of the Dockets of Cherokee Citizenship Commission, is as follows:

"James K. P. Dawson,
OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind. Ter., Oct. 5, 1887.

Docket No.	Names	Age	Sex	Post Office	Attorney
1	James K. P. Dawson,-		Male		
2	William A. Dawson,				
3	Richard A. Dawson,				

1089

C. H. Taylor.

Applicant for
Cherokee Citizenship,
Census Rolls 1835
Ancestor,
Riley Dawson.

vs.

Cherokee Nation. "

In red ink along age column are the words: "Rejected April 30, 1889."

- - - - - - - - - - - - - -

"Adverse to Claimant.
See decision in this case in the case of S. R. Dawson in Book (B) Page 30.
This April 30, 1889.
D. S. Williams,
Clk Com.

Will P. Ross,
Chairman.
J. E. Carter, Com."

BY MR. HUTCHINGS:

The Nation desires to introduce the original envelope and its contents in the case 196, of Rebecca Dawson, being the application and judgment in the case, also the judgment as copied into the record, Book C, on page 144, the date of said judgment being August 28th, 1889.

BY MR. McKENNON: To all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope just introduced is indorsed on the back as follows:

"196, 1, Name Rebecca Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address Emmet, I. T., Age 48 years, 1835, to 1852, Roll of 18-- Ancestor Haton, Filed the 5 day of Oct 1887, Docket 1017 Book C Page 144, Testimony on Journal- Page - - Decision of Commission, Rejected 28 day of August 1889. Submitted by Mr. Rasmus, Aug. 28, 1889." R"

The contents of said envelope are as follows:

"APPLICATION FOR CITIZENSHIP.

To the Honorable Commission on Citizenship:
Gentlemen:- The undersigned, your petitioner, this day makes this her application for re-admission to citizenship in the Cherokee Nation, in accordance with the Consitution, and with an act of the National Council approved December 8th, 1886, creating your Commission, And respectfully makes the following statement of the grounds for this, her application, to-wit:

That Rebecca Dawson is the Grand Daughter of one Haton, who the undersigned firmly believes was enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the years 1835,-48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds for this application for Cherokee citizenship by blood, and respectfully awaits the time when Application shall be truly heard and tried in accordance with the aforesaid law.

Age, 48 years; Postoffice, Emmett, Chic. Na. Family with their relationship attached is as follows:

No Name Sex Age Relationship.

In witness of which application I hereto set my hand on this the 4- day of October 1887.

(signed) Rebecca Dawson,

Boudinot & Rasmus,
Attorneys."

- - - - - - - - - - -

"COMMISSION ON CITIZENSHIP.
Cherokee Nation, Ind. Ter.
Tahlequah, August 28th, 1889.

Rebecca Dawson)
V. S.
Cherokee Nation.) The above case was called and submitted by

Rasmus withour evidence the Commission decide tht Rebecca Dawson, Age 48 yrs is not a Cherokee by blood a d are not entitled to ci izenship in the CherokeeNation Post Office Emmet Texas - - I. T.

(signed) WILL P. ROSS,
Chairman,
J. E. Gunter, Com."

- - - - - - -

The judgment found in Book C, Records of Commission on Citizenship, Cherokee Nation, page 144, is as follows:

"Rebecca Dawson,
OFFICE COMMISSION ON CITIZE SHIP.
Tahlequah, Ind. Ter., Oct. 5th, 1887.

Docket No	Names	Age	Sex	Post Office	Attorney.
1	Rebecca Dawson	48	female	Emmett, I. T.	

1017

A.
Boudinot & R.
Applicant for
Cherokee Citizenship.

Census Rolls, 1835,
to 1852.
Ancestor,
Moton.

V. S.
Cherokee Nation.

- - - - - - -

Office Commission Citizenship,
Cherokee Nation, Ind. Ter.,
Tahlequah, Aug. 28th, 1889.

The above case was called and submitted by Attorney Rasmus without evidence. The Co mission decide t at Rebecca Dawson, aged 48 years is not a Cherokee by blodd and not entitled to Citizenship in the Cherokee Nation.

Attest:
E. C. Ross,
Clerk Commission.

Will P. Ross,
Chairman.
J. E. Gunter, Com."

BY MR. HUTCHINGS: The Nat on next introduces t e iriginal envelope and contents in the case 198, of Mary Dawson, the contents being the application for citizenship, and the judgment as written up by the Court; also the judgment of the Court as copied in Book C, page 145,- said judg ent being rendered August 28th, 1889.

BY MR. McKENNON: To all of which the a plicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced is indorsed on back as follows:

"198, 2, Name, Mary Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Bowie, Texas, Aged 54, years, 1835 to 1852 Roll of 18- Ancestor, Moton, Filed the -- day of 9 18-- Docket 1018, Book C Page 145, Testimony on Journal-- Page-- Decision of Commission Rejected 28th day of August 1889. Submitted by Mr. Rasmus, Aug, 28, 1889."

"APPLICATION FOR CITIZENSHIP".

To the Honorable Commission on Citizenship:

Gentlemen:- The undersigned, your petitioner, this day makes his Application for re-admission to citizenship in the Cherokee Nation in accordance with the Constitution, and with an Act of the National Council, approved December 8th, 1896, creating your Commission. And respectfully makes the following statement of the grounds of this her application, to-wit:

That Mary Dawson is the Grand Daughter of one Coton who the undersigned firmly believes was duly enrolled upon the Cenus Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the years 1835,-48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds of this her application for Cherokee Citizenship by blood, and respectfully asks the time when her Application shall be truly heard and tried in accordance with the aforesaid law.

Age, 54, years; Postoffice, Bowie, Texas, family with their relationship attached is as follows:

No.	Name	Sex	Age	Relationship.
1	Walter Dawson	M	16	Son.

In witness of which application I hereunto set my hand on this the 4 day of October 1897.

Mary Dawson,

Boudinot & Rogers,
Attorneys."

- - - - - - -

COMMISSION CITIZENSHIP,
Cherokee Nation, Ind. Ter.,
Tahlequah, August 30th, 1899.

Mary Dawson,)
vs (Application for Cherokee
The Cherokee Nation) Citizenship.

The above named case having been submitted by W. F. Rogers, Attorney for claimant, without evidence, the Commission decide that Mary Dawson age 54 yrs, and her son Walter Dawson, age 16 yrs, are not of Cherokee blood, P. O. Bowie, Texas.

Will P. Ross,
Chairman,
J. W. Carter, Com."

- - - - - - -

Said envelope also contains the following:

APPLICATION FOR CITIZENSHIP
TO THE HONORABLE COMMISSION ON CITIZENSHIP: Gentlemen:- The undersigned, your petitioner, this day makes this his application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution and with an Act of the National Council, approved December 8th, 1896, creating your Commission. And, respectfully makes the following statement of the grounds of this his application, to-wit: That James K. P. Dawson is the son of one Riley Dawson who the undersigned firmly believes was duly enrolled upon the - - - Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the year 1835, the undersigned hereby presents the above facts as the lawful grounds for this his application for Cherokee Citizenship by blood, and respectfully asks the time when his application shall be truly heard and tried

in accordance with the aforesaid law.
Age - - years; Post-office - - -; family with their relationship attached is as follows:

Names,	Sex	Age	Relationship.
William A. Dawson	Male		Son.
Richard A. Dawson,	"		"

In witness of which application I hereto set my hand on this the 4th day of Oct 1887.

(signed) James K. P. Dawson,
C. H. Taylor, Attorney."

- - - - - -

The judgment as recorded in Book C, page 145, of the records of the Cherokee Commission on Citizenship, is as follows:

"Mary Dawson,

Office of Commission Citizenship.

Tahlequah, Ind. Ter., Oct. 5th, 1887.

Docket No.	Names	Age	Sex	Post Office	Attorney
1	Mary Dawson,	54	female	Bowie, Texas.	
2	Walter Dawson,	18	male		

Boudinot & H.
Applicant for
Cherokee Citizenship.

Census Rolls 1835 to 1852
Ancestor
vs. - - - - - -
Cherokee Nation.

- - - - - -

Office Commission on Citizenship,
Cherokee Nation, Ind. Ter.,
Tahlequah, Aug 26th, 1889.

The above case having been submitted by W. F. Boudinot, attorney for claimant, without evidence, the Commission decides that Mary Dawson aged 54 years, and her son Walter Dawson aged 18 years are not of Cherokee blood. Post office Bowie Texas.
Attest:
E. C. Ross,
Clerk Commission.

Will P. Ross,
Chairman.
J. T. Carter, Com."

- - - - -

BY MR. HUTCHINGS: The Nation further introduces the original envelope in the case of Andrew J. Dawson, which said envelope contains his original application; also the judgment in said case recorded on page 32, of Book A, of the records of the Citizenship Commission of the Cherokee Nation, which said records are now in the custody of the Commission; the judgment is dated April 26th, 1888.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced above, is endorsed as follows:

"Name, Andrew J. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Nevada, Mo. Age 44 years, - - 1835, Roll of 1835, Ancestor, - - Filed the 11 day of February 1887, Docket 37 Book A, Page 38 Testimony on Journal - - Page, Decision of Commission, REjected, 26 day of April, 1889. Rejected."

The contents of said envelope are as follows:

"To the Commission on Citizenship.

Tahlequah, I. T.,
January 27, 1887.

	Age		
Andrew J. Dawson,	44	years	Male
E. E. Dawson,	16	"	"
Olive M. Dawson,	14	"	female
William H. Dawson,	11	"	male
Jessy K. Dawson,	9	"	"
Glennie D. Dawson,	8	"	female.

V.S.
Cherokee Nation.

Know comes Andrew J. Dawson, and five children claiming his right to Cherokee Citizenship by virtue of his Cherokee blood, he being a cousin of E. Dawson and others of the same have admitted to Citizenship by the Tom Tehee Court on Citizenship, which is a matter of record, we submit that as proof of the Justness of his claim, his ancestors will be found on the roll of 1835.

Respectfully,

Post-office, (signed) A. J. Dawson &
Nevada, Mo. five children,
by C. H. Taylor,
Attorney."

" " " "

The judgment just introduced and found on page 33 of Book A, Records of Cherokee Commission on Citizenship, is as follows:

"Andrew J. Dawson,
Office Commission Citizenship,
Tahlequah, C. N., Feby 11, 1887.

Docket No. Family		Name	Age	Sex	
	1	Andrew J. Dawson,	44	Male	Nevada, Mo,
	2	E. E. Dawson,	16	"	
37	3	Olive M. Dawson,	14	female	
	4	William H. Dawson,	11	male	Applies for
	5	Jessie K. Dawson,	9	"	Cherokee Citizenship,
	6	Glennie D. Dawson,	8	female	C. H. Taylor.

Rolls 1835,

Rejected April 26, 1889, (red ink.)

V.S.
Cherokee Nation.

Ancestors,

Filed Feby 11, 1897.

Adverse.

See decision in this case in that of L. E. Dawson, Book P.20.
rendered April 26- 1889.
D. S. Williams,
Clk Com."

- - - -

BY MR. HUTCHINGS: We next desire to introduce the records in the case of the same Andrew J. Dawson, before the Commission to the Five Civilized Tribes, filed September 7th, 1896, and the judgment of the Commission thereon. Number of said case being 4,094. And the judgment of said case on Page 294, Book B., Dawes Commission Record, 1896. Judgment was rendered November 17th, 1896, denying the application.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The records just introduced, being those files before Dawes Commission, 1896, in Andrew J. Dawson, et al., are as follows:

Registry Receipt,
Post Office at Vinita, Sep. 7, 1896, Cherokee Nation, Ind Ter., Registered Letter, No. 409, Rec'd, of A. J. Dawson, addressed to S. H. Mayes, Tahlequah, I. T., (signed) D. A. Frayser, L.-P. M.

- - -

"Commission to the Five Civilized Tribes,
Vinita, Ind. Ter., Sept. 7, 1896.

See that you swear to your petition.

Evidence of service of copies of Chief or Governor may be secured as follows; If convenient get his receipt to file with your papers. If you cannot do this, register to him, and have some interested person to make affidavit in form about as follows:

I, S. M. Davidson, do solemnly swear that on the 7th day of September, 1896, I saw a package registered at the Post office at Vinita, Indian Territory, addressed to Hon. S. H. Mayes, Chief of the Cherokee Nation, Tahlequah, Ind. Ter., that registry receipt no.409, received from postmaster, hereto attached, is a receipt to said package, which contained true copies of the application of Andrew J. Dawson, and of the affidavits of E. Dawson and F. H. Dawson in support of same.

(signed) S. M. Davidson.

Subscribed and sworn to before me, on this 7th day of September, 1896.
(seal)

(signed) W. H. Kornegay,

Notary Public, First Judicial Division,
of the Indian Territory.

Attach receipt to this affidavit and send with papers to the Commission at Vinita, Indian Territory. This takes the place of the former instructions, as we understand that packages are not promptly receipted for by the Chiefs and Governors.

xxx _____

For the Commission."

\- - -

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss and Alexander B. Montgomery, United States Commissioners, authorized by an Act of Congress of June 4th, 1896, to hear and determine claims for citizenship in the Cherokee Nation:

Gentlemen:-

The undersigned, your petitioner, Andrew J. Dawson. ~~Willie H. T. Dawson Jesse K. D.~~ (Line in ink drawn through those names) for and on behalf of Minnie E. E. Dawson, Olive Maud Dawson, William H. T. Dawson, Jesse K. Dawson, Glen Dale Dawson, James K. P. Dawson, William A. Dawson, Maggie E. Dawson, Richard A. Dawson and Mary E. Dawson and heirs, this day make their application to you for the purpose being placed on the revised roll of Cherokee Indians and of those entitled to share in the distribution of the funds and allotments of lands in the Cherokee Nation by virtue of their Cherokee blood, and petitioners state that they are Cherokees Indians by blood, deriving the same from Captain John Rogers, Polly Rogers, Daughter of Captain John Rogers, married Samuel Dawson, whose name will be found on the authenticated rolls of the Cherokees by blood, taken in the years 1817, 1818, 1819 and 1835 & 1838 the same to be submitted to your Honorable Commission for a full and complete investigation, and if found correct as stated, to be granted all the rights, privileges and immunities of other Cherokee citizens, and petitioner herewith files his proof in support of said claim, and respectfully awaits the time when the application shall be heard and tried.

Respectfully submitted,

Andrew J. Dawson,

Enrollment of family, with relationship stated, as follows:

Names.	Ages.	Relationship.
Minnie E. E. Dawson,	25	Daughter,
Olive Maud Dawson,	23	Daughter
William H. T. Dawson,	20	son,
Jesse K. Dawson,	18	son.
Glen Dale Dawson,	16	Daughter.
James K. P. Dawson,	7	Brother.
William A. Dawson,	13	Nephew.
Maggie E. Dawson,	9	Neice.
Richard A. Dawson,	17	Nephew.
Mary E. Dawson,	5	Neice.

IN WITNESS WHEREOF, I hereunto set my hand this Third day September 1896.

(signed) Andrew J. Dawson."

Jurat on back of foll owe:

United States of America,
Indian Territory,
Northern District.

Andrew J. Dawson, of lawful age, being duly sworn states that he knows the facts set forth in the above and foregoing application and that the same are true as he verily believes.

(signed) Andrew J. Dawson,

Subscribed and sworn to before me on this the 3rd day of September 1896.

(signed) J. A. Tillotson,
(Seal) Notary Public.
My Commission expires June 6" 1899.

- - - - - - -

Indian Territory,)
Northern Judicial Dis- (SS.
trict

Andrew J. Dawson, of lawful age, being by me first duly sworn on oath says that he is 52 years old that his post office address is Afton, I. T. Affidavit further says that he is a citizen of the Cherokee Nation and a Cherokee Indian by blood deriving his Indian blood from Polly Rogers daughter of Captain John Rogers, that Polly Rogers, a daughter of Captain John Rogers married Samuel Dawson near Calhoun, Tenn. on the Hiawathia river while emigrating to the west.

Affidavit further says that Samuel Dawson and Polly Rogers are his Grandfather and Grandmother and that Captain John Rogers was recognized by the National Council of the Cherokee Nation as a Cherokee citizen in the laws of the Cherokee Nation of 1852 as follows: An act of the Council of 1842 page 60, an act of Nov. 17" 1843, page 80. also an act of Nov. 16 1849 page 204.

Affidavit further says that he is a blood relation of E. Dawson, R. M. Dawson, Joseph Dawson, and John Dawson who were admitted to citizenship by the Cherokee Nation and whose names appear upon the authenticated rolls of 1893.

(signed) Andrew J. Dawson.

Subscribed and sworn to before me this 3" day of September A. D. 1896.

(signed) J. A. Tillotson,
(Seal) Notary Public.
My Commission expires June 6" 1899."

"Indian Territory,)
Judicial Dist.) S.S.
)

F. M. Dawson, of lawful age, being by me first duly sworn on oath says that he is 54 years old; that his post office address is Afton, Indian Territory, Affidavit further says I have known Andrew J. Dawson for the past 10 years and have known him and recognized him as a Cherokee Indian and a cousin of mine, he claims to have originated from the family of Joe Dawson and he was a brother of Robert Dawson my father, and he being an offspring of Sam Dawson, who married Polly Rogers, a daughter of Captain John Rogers, who was a recognized Cherokee Indian.

(signed) F. M. his x Dawson mark

Subscribed and sworn to before me this the 4th day of Sept 1896."

(signed) Frank L. Sharp
Notary Public. (Seal)"

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"Ind Ter
Northern Dist

This affidavit made this 4th day of Sept 1896 by E. Dawson of this Dist in the Cherokee Nation I have known A. J. Dawson 10 years and have known him and recognized him as a Cherokee Ind and a cousin of mine, he claims to originate from the family of Joe Dawson and he was a brother of Robert Dawson and being an ofspring of Sam Dawson who was (line in ink drawn through word was)married Pollie Rogers a daughter of Captain John Rogers who was a recognized Cherokee Indian.

(signed) E. Dawson.

Subscribed and sworn to before me this 4th day of Sept 1896.

(signed) J. Barricklaw,
Notary Public,

My commission expires June 8, 1899.
(Seal)"

Indorsed on back: "No. 1509, A. J. Dawson vs Cherokee Nation Filed Sept 7-1896 A. S. McKennon, Com'r."

- - - - - -

Before the Honorable Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. Cabaniss, A. B. Montgomery, Commissioners.
In the matter of the application of
Andrew J. Dawson, Nation's No.....
Commission's No.....
for citizenship in the Cherokee Nation.

Your respondent, S. H. Mayes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for the grounds thereof says:

1st. That this Commission has not jurisdiction over the parties or subject matter of this controversy.

2nd. That the application does not state facts sufficient if true, to show that the applicant . . . entitled to citizenship.

Respondent not waiving his aforesaid demurrer, but insisting upon the same for answer to said application, says that John Rogers through whom the petitioner claims to derive right to citizenship in the Cherokee Nation, is not now, - . . and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory, as at present located and defined; that his name does not appear on any of the authenticated rolls of said nation; that neither nor any of his ancestors now reside, or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof.

See case Nation's No. 1773.

HAVing fully answered, your respondent asks to be hence dismissed.

S. H. Mayes, Principal Chief Cherokee Nation.

B. Hutchings, Hastings & Boudinot, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matter contained in the foregoing answers are true, to the best of his knowledge and belief.

(signed) John L. Adair,

Subscribed and sworn to before me this the [illegible] Oct 1896.

(signed) D. J. Ball,
Notary Public.

(Seal)"

Indorsed as follows: "Nation's No. 4079. Commission's No. 4694, In re application of Andrew J. Dawson, DEMURRER AND ANSWER. Filed Oct 21 H. M. Jacoway, Sec."

The foregoing documents, comprising the 1896 papers as above set forth, are inclosed in envelope indorsed:

"No. 4694, Petition of Andrew J. Dawson, and Heirs, Cherokee, 9-7-96. Rejected."

Which envelope is inclosed in jacket, marked "No. 4694."

\- - - - - - -

BY MR. HUTCHINGS: Now we desire to introduce the records in the case of Joanna Barber, et als., No. 1864, the United States Court number being 90, and the Nation desires to call especial attention to the testimony of W. C. Rogers and Sarah Carter as set forth in this case.

BY MR. McKENNON: To all of which applicants object, because it is wholly irrelevant, immaterial and incompetent.

Records in said case are as follows:

[illegible] blood is shown by proof here-with filed.

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss and Alexander B. Montgomery, United States Commissioners authorized by an act of Congress of June 4, 1896, to hear and determine claims for Citizenship in the Cherokee Nation:

Gentlemen:- The undersigned, your petitioner, Joanah Barber, for and on behalf of himself and heirs, this day make this their application to you for the purpose of being placed on the revised roll of Cherokee Indians and of those entitled to

share in the distribution of funds and allotments of land in Cherokee Nation, by virtue of their Cherokee blood, and I herewith submit the affidavits of E. Dawson, S. H. Dawson, W. A. Dawson & F. H. Dawson in support of said claim, and respectfully await the time when our application shall be heard and tried.

Respectfully submitted,
(signed) Joanah Barber.

Enrollment of family, with relationship attached, as follows:

Names		Age	Relation &c.
Joanah Barber,		60	Daughter of Elizabeth or Betsy
Isaac J. "	Husbd	65	Petty, nee Dawson, [illegible]
Otis E. "		20	daughter of Polly Dawson, [illegible]
W. R. "		24	Rogers who was a daughter of
James E. "		18	Capt Jno Rogers and Ailey Rogers
Johny "		6	nee Vann a Cherokee Indian by
Joel A. Barber		30	blood as is shown by proof herewith filed.

In witness of which I have set my hand at Chelsea this 4 day of August 1896.

(Signed) Joanah Barber."

Indorsed as follows: "Pd $.50 No.... Petition of Joanah Barber for herself & heirs."

TO THE HONORABLE PERRY L. DAVIS AND OTHERS COMPOSING THE COMMISSION TO THE FIVE CIVILIZED TRIBES:

Your petitioner, Joanah Barber, would state that she from the proof submitted to the Commission that she is a Cherokee by descent and by blood having been born in Carroll County, State of Ark. on the 5 day of Dec 1835. My father's name was John Petty. My mother's name was Elizabeth Petty, nee Dawson. That I now reside in the Cherokee Nation, and have resided there for 10 years. And that avers these facts can be established by proof to the satisfaction of the Commission under such rules and regulations as it may prescribe. And that further avers that these facts being proved she is entitled to be adjudged under the laws of such Nation and the laws of the Congress of the United States and the treaties of such Nation with the United States, a citizen of such Nation, with all the rights, privileges and protection of citizenship in such Nation. Wherefore she herewith respectfully submits to the consideration of the Honorable Commission such proof and on the hearing of the be adjudged entitled to such citizenship and her name be placed upon the proper roll as a citizen of such Nation.

(signature) Joanah Barber.

INDIAN TERRITORY,)
(SS
FIRST JUDICIAL DIVIS)

Now on this 4 day of Aug personally came before me W. J. Watts a Notary Public in [illegible] for the [illegible] Territory, Joanah Barber, who being duly sworn upon her oath states that the facts set forth in the foregoing petition are correct and true.

Subscribed and sworn to before me this [illegible] day of August 1896.

(signed) W. J. Watts,
(Seal)" Notary Public.

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"(COPY)
In the matter of the claim of Joanah Barber nee Joanah Petty to Cherokee Indian Citizenship in the Cherokee Nation, Indian Territory.

Affidavit of S. R. Dawson.

Delaware District,)
Cherokee Nation,)
First Judicial Division,)
U.S. Court, Indian Territory. (SS
)
)
)

S. R. Dawson, to me well known to be a reliable and respectable, after being duly sworn according to law states on oath, that he is a one-fide citizen of the Cherokee Nation by blood- that he is a resident of said Nation- that his post-office address is Afton, I. T.; that he is fifty-one years of age- that he is well acquainted with the claimant Joanah Barber nee has as long as he has known her person- that she is of Cherokee Indian descent- that her maiden name was Joanah Petty- that she was the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of Polly Rogers, a person of Cherokee Indian descent, who intermarried with Samuel Dawson, a white man- that said Polly Rogers was the daughter of Captain John Rogers and Ailsey Vann both well known Cherokee Indians.

Affiant is now directly nor indirectly interested in the result of this application.

(Impress of (signed) S. R. Dawson.
National Seal)

Subscribed & Sworn to before me this July 6 1898
(signed) W. P. Pubsand,
Notary Public."

"United States of America,
Indian Territory, (ss
First Judicial Division.

I, William T. Parris, a Notary Public within and for the Judicial Division aforesaid, do hereby certify that the next above in the within one page of manuscript is a true and literal copy of the original as the same is now to be found in Tahlequah, Ind. Terry, this the third day of July A.D. 1898.

(signed) William T. Parris,
Notary Public, First Judicial Division, Indian Territory.
(Seal) My Commission expires Feby 3, 1897."

(A copy)

In the matter of the claim of Joanah Barber (nee Joanah Petty)

to Cherokee Indian Citizenship in the Cherokee Nation, Ind Ter.

Affidavit of E. Dawson,

Coowescoowee District,)
Cherokee Nation,)
First Judicial Division,) ss
U. S. Court, Ind. Ter.)

E. Dawson, to me well known to be reliable and responsible after being duly sworn according to law states on oath that he is a Bonified citizen of the Cherokee Nation by blood- that he is a resident in said Nation and his post office address is Talala, Ind Ter.-that he is 58 years of age- that he is well acquainted with the claimant Joanah Barber and has been so as long as he has any person- that claimant is a person of Cherokee Indian descent the her maiden name was Joanah Petty- that she was the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of one Polly Rogers a full blood Cherokee descent, who intermarried with Samuel Dawson, a white man, that the said Polly Rogers was the daughter of Captain John Rogers a well known Cherokee Indian.

Affiant is not directly nor indirectly interested in the result of this application.

(signed) E. Dawson.

Subscribed and sworn to before me this the 24th day of Febry 1893

(signed) A. E. Williams,
Notary Public.

(Impress of
National Seal
here.)
Cor. Exps. Sept. 26/96.

United States of America,
Indian Territory, ss
First Judicial Division.

I, William F. Rasmus, a Notary Public within and for the First Judicial Division, Indian Territory, do hereby certify that the next above and the within one page of an affidavit is a true and literal copy of the original presented to me at Tahlequah, Ind Ter. this the third day of July A.D.1893.

(signed) Wm. F. Rasmus.

(Seal) Notary Public, First Judicial Division, Indian Territory, My Commission expires Febry 3, 1897.)

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United States of America,
Western District of Arkansas. ss.

In the case of one Joanah Barber claimant for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian authority at Tahlequah, Cherokee Nation, Indian Territory.

Personally came and now before me William F. Rasmus, a Commissioner U. S. Court within and for the District aforesaid duly authorized to administer oaths W. A. Dawson, to me personally well known to be reputable and entitled to credit, and who being by me first duly sworn according to law, deposes and

and says: My name is T. A. Dawson, my age is 62; my post-office address Tulsa; Ind. Ter. I am a [illegible] Nation, I am a citizen of the Cherokee Nation, I. T. by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: That he is personally well acquainted with the claimant, Joanah Barber- whose mother's name was Elizabeth (commonly called Betty) Petty, Dec'd nee Elizabeth Dawson, - a Cherokee Indian by blood, and was the sister of his father; James Dawson, Dec'd, a recognized and acknowledged Cherokee Indian by blood- she was a sister of Robert Dawson Dec'd a recognized & acknowledged Cherokee Indian by blood- said Robert Dawson was a full brother to said James Dawson- that claimant Joanah Barber is his (affiant's) first cousin and a Cherokee Indian blood and that he so recognizes her.

(signed) T. A. Dawson.

Subscribed and sworn to before me at Tahlequah, I.T. this third day of December A.D.1896.

(signed) T. B. Ross,
United States Commissioner."

(seal)

- - - - - - -

"UNITED STATES OF AMERICA.)
Western District of Arkansas.)ss

In the case of Joanah Barber claiming Town site in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian Commission at Tahlequah, Cherokee Nation, Indian Territory.

Personally came this day before me William T. Ross, a Commissioner of the U. S. Dist. Court, Western District aforesaid duly authorized to administer oaths in the T. Dawson, to me made personally known to be a proper and entitled to - - and who - - duly sworn according to law deposes and says: My name is Francis L. Dawson my age is 57 years, my post-office address is Afton, Ind. Ter., I am a farmer by occupation, I am a citizen of the Cherokee Nation, by virtue of Cherokee Indian blood.

And affiant declares in relation to the above case as follows, to-wit: I am personally well acquainted with the claimant Joanah Barber, whose mother's name was Elizabeth (commonly called "Betty") Petty, nee Elizabeth Dawson, a Cherokee Indian by blood, said Elizabeth Petty was a full sister of my father Robert Dawson Dec'd, a Cherokee Indian by blood- and I acknowledge the relationship by Cherokee Indian blood of Joanah Barber to me as first cousin- and I know that the said Joanah Barber therefore is of Cherokee Indian blood.

(signed) F. L. Dawson.

Subscribed and sworn to before me at Tahlequah, Ind. Terr- this 17th day of November A.D.1896.

(signed) T. B. Ross,
United States Commissioner.

(seal)

Indorsed on back as follows: "No. 1 filed Feb 24 1897, Jas. A. Pinston, Clerk."

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"Page [illegible], docket "J"
Jonnah Barber.
Office Commissioner Indian Affairs,
Tahlequah, C. N. August, 1, 1887.

Docket. No.	Names	Age.	Sex.	Post Office.	Atty.
1	Jonnah Barber	51	female	Vinita, I. T.	
2	Ailey J. Barber	34	female		
3	Irena Barber	24	female		
4	Etta Barber	22	female		
5	Atta Barber	20	female		
6	Mary Barber	17	female	applicant for	
7	Onice Barber	17	female	Cherokee Citizenship	
8	Joel Barber	31	male	Pollo 1870	
9	Calaway Barber	27	male		
10	Toliver Barber	16	male	Ancestor	
11	Riley Barber	15	male		
12	Edgar Barber	9	male		
	V.S.			John Rogers	
	Filed Aug. 12, 1887.			Alex Pruett.	

See decision this case in the matter of L. F. Dawson, adverse to claimant in this Book Page 26.
This April 26th, 1889.
D. S. Williams, Clerk Com. Will. P. Ross, Chairman, C. N. Porter, Com."

"S. F. Dawson.
Office Commissioner Indian Affairs,
Tahlequah, C. N. Aug. 11th, 1887.

Docket. No.	Names.	Age.	Sex.	Post Office.	Atty.
1	S. F. Dawson,	[illegible]		Chouteau, I. T.	
2	Parlee Dawson,	[illegible]	female		
3	Americ J. Dawson,	15	female		
4	Katherine J. "	[illegible]	female		
5	J. C. Dawson,	31	male		
6	Elias F. Lacie,	29	male		
7	Toliver Dawson,	27	male	Applicant for	
8	Ella Dawson,	20	female	Cherokee	
9	Daisy Dawson,	14	female	Nation	
10	John Riley Dawson	[illegible]	male		
11	Robt. E. Dawson,	9	male	F	
12	Clara Dawson,	7	female		
13	Cleveland Dawson	5		Ancestor	
	Filed Aug. 11, 1887.			John Rogers	
	Rejected April 26, 1889.				

Now this day [illegible] above [illegible] for final hearing, Samuel F. Dawson bases his application for [illegible]-admission to Citizenship in the Cherokee Nation upon [illegible] Samuel Dawson, a white man, Postmaster, [illegible] Citizen of Cherokee John Rogers, and Clerk Pruett, said to be half brother of Joseph Vann [illegible] Cherokee Blood. It is admitted that John Rogers [illegible]

Gilsey Priest died before ... would appear of living ... Section ... of the Act of December 6th, 1886, ... on citizenship were made, but in support of the application it is urged that certain members of the Dawson family the full brothers of the applicant ... by the Commission on Citizenship commonly known as the "Tokee Court" and "Spears Court" and are now residing ... the Cherokee Nation. In the opinion of this Commission the sufficiency of the consideration upon which determined the decisions of ... Commissions or the testimony now introduced to sustain the admission of the present applicant is not novel or ... the issue now pending. The 7th Section of the Act of ... December 6th, 1886, ... provides that the Commission ... within the ... any person applying for citizenship in the Cherokee ... tion upon the ... rolls of Cherokee ... or Delaware ... applicant must be a person, ... the lineal descendant ... person whose name appears upon the ... rolls of ... Indians to be ... by the United States, ... hereafter ... ed, neither the ... of the applicant nor that of the person ... from ... claims to be a lineal descendant appearing upon either of said rolls, the Commission adjudge and decree that Samuel R. Dawson and ... family are not entitled to re-admission ... of citizenship in the Cherokee Nation ... Cherokees by blood. This opinion includes the case of Andrew J. Dawson, James H. P. Dawson, Joannah Barber, nee Joannah Dawson, and Jane Queen, nee Jane Dawson and their families as enumerated in their respective applications.

... Bill P. ..., Chairman,
... Bunch, Commissioner,
John E. ... Commissioner.

"This April 26th, 1890,
D. S. Williams, Clerk Com."

- - - - - - -

United States of America,)
Indian Territory,) ss.
Northern District.)

W. C. Rogers being ... sworn ... says: that he is a citizen ... Cherokee Nation, Indian Territory. That his post-office address is Ski-... Ind. Ter. ... that he was born ... and Territory; ... that he is 40 years ... old:

Affiant further states ... that he is slightly acquainted with Irena J. House, an applicant for admission to citizenship in the Cherokee Nation as shown by copy of her application.

Affiant further states ... his father's name was Charlie Rogers- who was a son of Captain John Rogers and the said Capt. John Rogers was the only man of that name that ever lived in the Cherokee Nation that this affiant ever heard of; that the said Capt. John Rogers this affiants grandfather lived at Grand Saline, I. T. and died in Washington, D. C.

This affiant states that his father Charlie Rogers ... and ... sister and five brothers viz. Synthia Rogers, Lewis Rogers, George Rogers, Nelson Rogers, Granvil Rogers and Reuben Rogers; that he (this affiant) was well and personally acquainted with the above said parties- except Granvil and Reuben Rogers, who were killed when this affiant was quite ...

POOR ORIGINAL -
BEST AVAILABLE COPY

This affiant has been [illegible] 34 years [illegible], [illegible] Charlie Rogers died, that his father never had any other family (like [illegible] drawn through) more children or sisters than the ones above mentioned; that the said Polly Rogers named in the application for citizenship of Isaac J. House, was not a sister of his fathers; that his [illegible] had but one sister viz. Cynthia Rogers that this affiant ever heard of; that this affiant was well acquainted [illegible] Cynthia Crum-"

Just here the following is inserted on separate paper:

"EXECUTIVE DEPARTMENT OF
CHEROKEE NATION. I, John L. Adair, Executive Secretary of the Cherokee Nation, do hereby certify that I have compared the foregoing with the original record in this Department, and that the same is correct and true copy thereof.

In witness Whereof I have hereunto set my hand and affixed the Great Seal of said Cherokee Nation, at Tahlequah, this, the 5th day of Feb. 1896.

(signed) John L. Adair,
(Seal) Executive Secretary."

Then the above affiant continues:

"(nee) Rogers that she lived with Charlie Rogers father a number of years prior to his death.

Affiant states that [illegible] Charlie Rogers [illegible] Crum (nee Rogers) and his relatives; that [illegible] never spoke of any other sister in their family; that [illegible] was about 70 years of age when his aunt, Cynthia Crum died; that [illegible] told him there never was (words "never was" marked over with ink) father never had any other daughter or daughter other than Cynthia Rogers

Affiant states that his father told him a number of times, that this affiants grandfather Capt John Rogers never had any other family other than the one above entioned; that this affiant never heard his father Charlie Rogers or any of his relatives speak of his grandfather Capt John Rogers ever running a boat up any river.

Affiant states his father Charlie Rogers died [illegible] Mulberry, South-east of Van Buren, Arkansas, in the year of 1817.

Further affiant saith not.

[illegible]. Rogers.

Subscribed and sworn to before me on this the first day of October, 1896.

(signed) William L. Hall,
Notary Public,
(seal) My Commission expires January 16th, 1900."

"United States of America,)
Indian Territory, (SS
Northern District.)

Mrs. Sara Carver being first duly sworn states; that she is a citizen and resident of the Cherokee Nation, Ind. Ter. and her post office address is Vinc, I. T., that she is 65 years of age.

Affiant states that she is the daughter of Charles Rogers; that her grandfather on her father's side was Capt John Rogers. Affiant further states that W. C. Rogers is her brother, and that she has read the foregoing affidavit of W. C. Rogers, and knows the contents thereof; that the facts therein set forth are true as she verily believes.

(signed) Sarah Carter.

Subscribed and sworn to before me this the first day of October, 1890.

William M. Hall,
Notary Public,

My Commission expires January 16th 1900."
(seal)

- - - - - -

Before the Honorable Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. - (name torn off) A. E. Montgomery, Commissioners.

In the matter of the application of Jeanah Barber et al- for citizenship in the Cherokee Nation. Nation's No.1573 Commission's No...

Your respondent, S. H. Hayes, Principal Chief of the Cherokee Nation, comes now and returns the said application, and for his grounds thereof says:

1st. That the Commission has no jurisdiction over the parties or subject matter of this controversy, and not legal right, therefor, to hear and determine the same.

2nd. That the application does not state facts sufficient, if true, to show that the applicants are entitled to citizenship.

Respondent not waiving the aforesaid demurrer, but insisting upon the same for answer to said application, says the John Rogers through whom the petitioners claim to derive their right to citizenship in the Cherokee Nation, is not now, and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory and at present located and defined; that his name does not appear upon any of the authenticated rolls of said Nation; that neither they nor any of their ancestors now reside or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof.

Having fully answered, your respondent asks to be hence dismissed.

S. H. Hayes, Principal Chief Cherokee Nation.

By Hutchings, Hastings & Boudinot, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matters contained in the foregoing answer are true, to the best of his knowledge and belief.

(Signed) John L. Adair,

Subscribed and sworn to before me this, the 5th day of Oct. 1890.

(Signed) A. J. Ball,
Notary Public."
(seal)

Indorsed thereon as follows: " 1364 Sec. Int'l'l Ex. 1877, Commission'r Jo..... In the application of No 2 Joanna Barber Demurrer and Answer Filed Mar 13 1907 Jos. A. Winston, Clerk/ Filed Oct 7 1896 W. W. Jacoway, Secy."

"BRIEF.

BEFORE THE HONORABLE COMMISSION OF THE UNITED STATES OF INDIA,

duly organized and empowered by Act, approved by virtue of the Act of Congress of June 4th 1896, to hear and determine all claims for citizenship of the five Civilized Tribes of Indians, to-wit:
Cherokee, Creek, Choctaw, Chickasaw and Seminole Indians.

In the matter of the application for citizenship in the Cherokee Nation, of Joanna Barber and her children, to-wit:

Otis F. Barber, Willie L. Barber, James E. Barber, Johnnie Barber and Joel A. Barber.

In the matter of the application for citizenship in the Cherokee Nation of Joel A. Barber and his children, to-wit: Lettie Barber, Oliver Barber, George A. Barber, Frank C. Barber, Jessie Barber and Ethel Barber.

In the matter of the application for Citizenship in the Cherokee Nation of Mary A. Barber and her child, to-wit: Infant Barber.

In the matter of the application for citizenship in the Cherokee Nation of Ella L. Murphy and her child, to-wit: Claude M. Murphy.

In the matter of the application for Citizenship in the Cherokee Nation of Ella Moore and her children, to-wit: Anna J. Moore, Jackson D. Moore, Rhenby Moore and Gladys Moore.

In the matter of the application for Citizenship in the Cherokee Nation of Alice L. Hunt and her child, to-wit: Grant Hunt.

In the matter of the application for Citizenship in the Cherokee Nation of Alcey J. Smart and her children, to-wit: Georgia A. Smart and Erby L. Smart.

In the matter of the application for Citizenship in the Cherokee Nation of Josiah J. Garlinghouse and his children, to-wit: Myrtle O. Garlinghouse, Cora L. Garlinghouse and Birtha L. Garlinghouse.

In order that the Honorable Commission may clearly and fully understand the proof and merits of the Claim of the aforesaid Claimants, we deem it necessary to present to the Honorable Commission, the genealogy of each of said claimants, to-wit:

Joanna Barber, whose maiden name was Joanna Petty, is the daughter of Elizabeth Petty, nee Dawson and a granddaughter of Polly Dawson, nee Rogers and a great granddaughter of Col. John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Joel A. Barber is a son of Joanna Barber, nee Petty and grandson of Elizabeth Petty, nee Dawson and great grandson of Polly Dawson nee Rogers and a great great grandson of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted. Lary A. Barber, whose maiden name was Lary A. Barber, is a daughter of Joanna Barber and granddaughter of Elizabeth Petty, nee Dawson and great grandaughter of Polly Dawson, nee Rogers and a great great granddaughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Ella Hurley, whose maiden name was Ella [illegible], is a daughter of Joanna Barber, nee Petty and a great granddaughter of Elizabethe Petty, nee Dawson and a great great granddaughter of Polly Dawson nee Rogers and a great great great granddaughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the submitted proof.

Ella Moore, whose maiden name was Ella [illegible], is a daughter of Joanna Barber, nee Petty and a granddaughter of Elizabeth Petty nee Dawson and a great granddaughter of Polly Dawson, nee Rogers and a great great granddaughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the submitted proof.

Attie L. Hunt, whose maiden name was Attie L. Barber, is a daughter of Joanna Barber, nee Petty and a granddaughter of Elizabeth Petty, nee Dawson and a great granddaughter of Polly Dawson, nee Rogers and a great great granddaughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the submitted proof.

Alcey J. Smart, whose maiden name was Alcey J. Barber, is a daughter of Joanna Barber, nee Petty and a granddaughter of Elizabeth Petty, nee Dawson, and a great great granddaughter of Polly Dawson, nee Rogers, and a great great great granddaughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Joanna J. Carlinhouse, whose maiden name was Joanna J. Smart, is a daughter of Alcey J. Smart, nee Barber, and a great granddaughter of Joanna Barber, nee Petty and a great great granddaughter of Elizabeth Petty, nee Dawson and a great great great granddaughter of Polly Dawson, nee Rogers, and a great great great great granddaughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Therefore, the Claimants pray the Honorable Commission, that after a careful examination of their application and impartial investigation of the proof herein submitted, you will adjudge each of said Claimants, together with their aforementioned Children, entitled to citizenship in the Cherokee Nation, and that you place the name of each Claimant, together with the names of their aforementioned Children, upon the Cherokee roll, and that you grant to them all the rights, privileges and immunities of citizens of the said Cherokee Nation.

(Signed) Hubbard, Gorman & Watson,
Council for Petitioners."

POOR ORIGINAL -
BEST AVAILABLE COPY

Indorsed on back as follows: "No 3 Filed Feb 24 1897, Jas. A. Pinston, Clerk."

- - - - - - -

Commissioners,
Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss, Alexander B. Montgomery--H. M. Jacoway, Secretary.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,
Vinita, Indian Territory, Oct 2 , 1 96.

Joshua Barber, Filed Sept. 8, Answer Filed,
vs. Application denied.
Cherokee Nation.

I, H. M. Jacoway, Jr., Secretary, do hereby certify that the above and foregoing is a true and correct copy of Cherokee Record A. page 207 of the Commission to the Five Civilized Tribes.

Given under my hand and official signature this the 11 day of Feb. 1897.

H. M. Jacoway, Jr.,
Secretary."

Indorsed as follows: "1864 No. 4 Filed Feb 24 1897 Jas. A. Pinston, Clerk."

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"BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Joshua Barber et al,
vs.
Cherokee Nation. No.1864.

AFFIDAVIT FOR APPEAL.

Now on this the said Joshua Barber et al applicants for citizenship in this case by W. B. Watts, one of their attorneys, and pray an appeal from the decision of the Honorable Commission to the United States District Court as provided by the Act of Congress approved June 10th, 1896.

And the said W. B. Watts, being duly sworn, and acting on behalf of said applicants states that the appeal prayed for in this case is now asked for the purpose of delay but that justice may be done the appellants.

(Signed) W. B. Watts,

Sworn and subscribed to before me this 22nd day of December 1896.

(Signed) J. C. Lindsey,
(SEAL) Notary Public.
My Commission expires March 20th 1897."

Indorsed: "Court 90."

- - - - - - -

"Received of F. L. Riddle, Jr., Secretary of the Commission to the Five Civilized Tribes, the original papers, in the case of - - - - vs - - - - Nation, as follows:

/ / / / / /

Witness my hand and official seal at Muskogee this the 1st day of Feby 1897.
(SEAL) (Signed) J. Q. Winston, Clk."

Indorsed: "Court # 30 No. 1864. receipt for original papers in the case of Joanna Barber et al vs. Cherokee Nation. Received and filed this . . . day of . . . 189. . . Secretary."

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"IN THE UNITED STATES COURT FOR THE INDIAN TERRITORY,
NORTH ERN JUDICIAL DIVISION, AT MUSKOGEE, IND. T'Y.

Joanna Barber, Onis E. Barber, William M. Barber, J. [illegible] E. Barber, Jennie Barber, Joel A. Barber, Mary A. Barber, Elsie Lane, Attie L. Hunt, Alsey J. Swart, APPELLANTS.
VS
CHEROKEE NATION, APPELLEE.

PETITION FOR APPEAL FROM THE DECISION OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Come now the appellants in the above entitled cause and petition the Court to grant an appeal in said cause from a decision of the Commission, known as the Dawes Commission, created and authorized to treat with the Five Civilized Tribes of Indians, to-wit: the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Indians, and to pass upon and decide applications for citizenship in the said Five Civilized Tribes, which decision by said Commission was rendered by authority of, but not in accordance with, an Act of Congress passed and approved June 10th, 1896, and by which decision on the 29 day of October, 1896 the aforesaid appellants were denied their rights to citizenship in the Cherokee Nation, Indian Territory.

The facts relied upon by the appellants to establish their rights to citizenship in the Cherokee Nation, as aforesaid are as follows: to-wit: The affidavits of E. Dawson, S. A. Dawson W. A. Dawson, F. M. Dawson.

Said affidavits fully and conclusively establish the fact that said applicants are Cherokee Indians, by blood and descent, and entitled to rights of citizenship in the Cherokee Nation.

Said affidavits, together with the application, of said appellants, were, prior to September the 10th, 1896, filed with and submitted to said Commission for its investigation, consideration and decision.

That a certified copy of said application, together with the accompanying affidavits, were served upon the Chief, or Attorney General, of said Cherokee Nation, prior to September the 10th, 1896.

The errors of the Commission in rejecting the claims for citizenship of said appellants are the grounds for appeal to this Court, to-wit:

FIRST. The Commission erred in that its decision on said claims adversely to the appellants is against the proof submitted by said appellants.

SECOND. The Commission erred in its action in the claims of appellants and denying the same, the absence of a majority of the members of the Commission.

THIRD. The Commission erred in refusing the appellants the right and privilege of examining the proof submitted by appellee in support of the answer filed by the appellee and denying the appellants the right of filing a reply to appellee's answer or producing proof in behalf of said reply.

FOURTH. The Commission erred in denying the appellants the right of a trial of their claims by a jury, as guaranteed to them by the laws and constitution of the United States.

FIFTH. The Commission erred in refusing appellants the right to be present in person, or by attorney, during the trial and determination of their claims before said Commission.

SIXTH. The Commission erred in refusing to issue process for witnesses and to send for persons and papers when requested to do so by the appellants.

SEVENTH. The Commission erred in denying to appellants the right of these appellants to be enrolled as citizens of the Cherokee Nation.

EIGHTH. The Commission erred in deciding against blood, holding that blood was not a test of the right of citizenship in said Cherokee Nation.

NINTH. The Commission erred in deciding against the question of residence, holding that residence in the Cherokee Nation was not a test of the right of citizenship in the said Cherokee Nation.

TENTH. The Commission erred in not entering upon their Docket or record the grounds upon which the claims of appellants were denied and refusing to notify appellants the grounds of denial or rejection.

ELEVENTH. The Commission erred in examining the claims and proof of appellants and denying the same while the Commission was not clothed with any legal authority, nor had jurisdiction, to render decision on said claims and deny the same.

TWELVTH. That the Act of Congress approved June 7th, 1897, was unconstitutional and had no power or legal right to confer jurisdiction on said Commission to try and determine the rights to citizenship of said appellants, and said Commission erred in determining the rights and denying the same to said appellants.

THIRTEENTH. That Congress had no power by enactment to create, appoint and empower a judiciary, and said Commission erred in deciding the claims of said appellants without any legal authority to do so.

Therefore, the appellants of this cause pray that an appeal be granted to this Court and that a trial, de novo, be granted the appellants, and that said appellants be permitted to introduce new testimony, and that an order be made requiring said Commission to send all pleadings, papers and records filed before it in this cause to this Court, or that the Cherokee Nation, the appellee in this cause, be cited to appear

at this Court and plead and defend against the said appeal and show why the appellants should not by the rules, orders and decisions of this Court be adjudged entitled to citizenship in the said Cherokee Nation, and the appellants will ever pray.

(signed)

W. B. Watts,
A. H. Garland,
W. J. Watts,
Attorneys for Appellants."

Indorsed on back: "Cherokee Citizenship Case, No. 90 No 5 Joanna Barber et al vs Cherokee Nation Filed Dec 23 1896 Jas A Winston clerk Watts, Garland & Watts, Attorneys for Appellants."

"SUMMONS.

United States of America,)
Indian Territory, (ss.
Northern District.)

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Marshal for the Northern District, Indian Territory:

You are commanded to summon the Principal Chief of the Cherokee Nation, or the Attorney General of said Nation, to appear on the first day of next May term of the United States Court for the Northern District, Indian Territory, at Muskogee, Indian Territory, being the 4th day of May, 1897, A.D. 189-- a petition praying an appeal from the decision of the Commission to the Five Civilized Tribes duly filed in said Court by Joanna Barber, Onis E. Barber, W R Barber, Jas E Barber, Jennie Barber, Joel A. Barber, Mary A. Barber, Emma Moore, Attie L. Hunt, Alcey J. Smart, who claim to be entitled to be enrolled as citizens of said Nation, in the United States Court for the Northern District, Indian Territory, which petition is now pending in said Court, and upon his failure to answer petition within thirty days from the time of the service of this writ, the same will be taken for confessed, and you will make due return of this summons within ten days after the actual service of this writ.

Witness the Honorable William M. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, this 23th day of Dec. 1896 A.D.189--

(signed) J. A. Winston, Clerk.

(SEAL)"

"MARSHAL'S RETURN.

I received this summons this 23" day of December A.D. 1896 and served the same as follows: W. T. Hutchings, Attorney for the Cherokee Nation Indian Ter Accepted Service on the within at Muskogee, Ind Ter on this 13" day of January 1897

(signed) W. B. Watts

~~U. S. Marshal~~

By .....Deputy."

Indorsed on back as follows: "Citizenship Case No. [illegible] No. 6.. Nation... Summons....Atty's [illegible] Claimants."

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"Joanna Barber et al.
vs. No.00. ,
Cherokee Nation.

Mr. H. A. Gibson, Special Master, to who[illegible] is case was referred, submits the following report:

'IN THE UNITED STATES COURT IN THE INDIAN TERRITORY,
NORTHERN DISTRICT, AT MUSKOGEE.

JOANNA BARBER ET AL)
-VS)- : REPORT OF SPECIAL MASTER.
THE CHEROKEE NATION.)

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I, H. A. Gibson, Special Master herein, show to the Court that under the general order herein, I have examined the proof and pleadings herein, which is hereto attached and made a part hereof, and that I find as follows:

I

This this cause was instituted on September 9th, 1896, before the Dawes Commission to the Five Civilized Tribes, by Joanna Barber, and Isaac J. Barber, her husband, and their Children, Onie E., William R., James E., Johnnie and Joel A. Barber. That Joel A. Barber has the following children. Hattie Toliver, George A., Frankie O., Jesse and Ethel Barber. That the application includes also Mary A. Bowser and her child Inez Bowser, Emma L. Murphy and her child Claud Murphy, Emma Moore and her children Anna J., Jackson D., Ruby and Gladys, Attie L. Hunt and her child Dorman Hunt, Albert J. Smart and her children Georgia A. And Erzey M. Smart, Joanna J. Garlinghouse and her children Myrtle O., Cora L. and Berwin M. Garlinghouse. That this application was by the Commission tried and rejected on October 29th, 1896, with no reasons given for the decision, and that subsequently on December 27, 1896, the claimants appealed to this Court. That the parties all live in the Cherokee Nation, Indian Territory.

II

That the parties claim the right to be admitted to citizenship in the Cherokee Nation by reason of their descent from Polly Rogers, who is claimed to be a Cherokee Indian by blood. That there filed in support of their application the affidavits of S. R. Dawson, E. Dawson, Francis M. Dawson, and W. A. Dawson, who testify that Joanna Barber is the daughter of Elizabeth Reedy, nee Dawson, who was the daughter of Polly Rogers, who married a white man by the name of Samuel Dawson, and that Polly Rogers was the daughter of Certain John Rogers and Ailsey Vann. That these witnesses are all Cherokee citizens by blood, acquainted with the

claimants, and according to their testimony, related to them by blood.

The appellee introduces to controvert this testimony the decision of the Cherokee Commission on Citizenship, rendered in the year 1907, in which these claimants were rejected by this Commission and also the affidavits of W. C. Rogers a grandson of Captain John Rogers, and Mrs. Sarah Carter, a granddaughter of Captain John Rogers, both of whom state that they never heard of any daughter of said Captain John Rogers by the name of Polly Rogers, and that Cynthia Rogers was his only daughter.

III

The claimants contend that they are residents of the Cherokee Nation, and are relatives of the Dawson family, who are recognized citizens of the Cherokee Nation by blood, are entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal West; that his name does not appear on the rolls of the Cherokee Nation, and that he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

The premises considered, in view of the unsettled condition of affairs in the Cherokee Nation at the time the Captain John Rogers, the ancestors through whom these claimants trace their Cherokee blood, lived, and especially in view of the absence of a marriage law and of records pertaining to marriages, I am of the opinion that these claimants have proven that they are descended from Capt. John Rogers, who resided in the Cherokee Nation, and was a recognized citizen, though they do not show that he was ever enrolled as such, and I therefore find that the claimants are the residents of the Cherokee Nation, Indian Territory, and that they are all Cherokee Indians by blood. That they have resided in the Cherokee Nation since 1907, and probably longer, though the proof does not state definitely how long they have so resided.

I ask that the Court allow me a reasonable fee for my services herein as Special Master.

Respectfully submitted this 16 day of August, 1907.

(signed) N. A. Gibson,
SPECIAL MASTER.

My fee paid.
No Exceptions Filed."

BY THE COURT.

From this report it appears that the claimants base their right to be enrolled as citizens of the Cherokee Nation upon the grounds that they are the descendants of a Cherokee Indian by blood, but their ancestors through whom they claim have never resided in the Cherokee Nation as now constituted. It appears that they have resided in the Cherokee Nation since 1907, and probably longer, though the proof does not state definitely how long they have so resided. It does not appear that the applicants or any of their ancestors have ever been recognized as members of the Cherokee Nation.

The judgment of the United States Commission rejecting this case is affirmed, and the application of the claimants

to be enrolle[illegible] as citizens [illegible] docket [illegible]."

Indorsed on back: "[illegible] No.7 Jo[illegible] et al vs Cherokee Nation, Final Report of Special Master, Filed August 17, 1897, Jos A. Winston, Clerk."

Foregoing papers in Joanna Barber case enclosed in packet indorsed: "[illegible] Joanna Barber et al vs Cherokee Nation."

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"NOTICE.

[illegible]

UNITED STATES OF AMERICA) In the United States Court for
INDIAN TERRITORY (SS said District.
NORTHERN DISTRICT.) In the matter of the application of Joanna Barber et al to be enrolled as citizens of the Cherokee Nation.

To the Commission to the Five Civilized Tribes.

You are hereby notified that an appeal has been taken in the matter of the application of Joanna Barber et al to be enrolled as citizens of the Cherokee Nation, from the said Commission, to the United States Court for the Northern District of the Indian Territory, and that your tribunal is requested by said Court to transmit at the earliest time practicable to said Court, at Muskogee, Indian Territory, a transcript of all the entries made in the docket of your tribunal relating to the case, together with the decision and testimony taken before said tribunal; the decision thereof on the application, and all original papers relating thereto.

Witness the Honorable Will M. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, the 27 day of Dec. 1896. A.D. 189--.

(SEAL) (signed) J. A. Winston, Clerk."

Indorsed: "No. 1664 Joanna Barber et al vs Cherokee Nation, APPEAL ORDER OF U. S. COURT."

Foregoing papers enclosed in packet marked: "No. 1664."

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BY MR. HUTCHINGS:

We now introduce the original record in the citizenship case of Irene J. House, et al., before the Commission in 1896, the docket number of said being 230, said case being denied by the Commission; appealed to the United States Court, and the decision of the Commission affirmed.

In this case we desire to call especial attention to the certified copy filed therein of the testimony of Arthur Baker, the certified copy having been made in 1894, being the testimony of Dr. Baker in the case of Robert Dawson et al vs the Nation, number 108, before the Citizenship Commission, and which was made January 19, 1892.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The papers in Court No. 270, just introduced above, are as follows:

"Office of Commission on Citizenship,
Cherokee Nation, Tahlequah, January 19, 1902.

No. 108.
Robert Dawson et al) Exhibit C.
vs (
Cherokee Nation.)

Testimony for Claimants.

Witness, Dr. Arthur Baker sworn testified as follows:

My name is Arthur A. Baker I reside at Berryvill Arkansas Carroll County My age is 73 years I am not a Cherokee. I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carrolls County some 35 years - At my Fathers house near Calhoun I became acquainted with the claimants Robt Dawson grandmother on mother's side she was frequently at my mothers house though she Anna Pruet lived in the Nation side; She claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee, the first time she brought the claimants mother to my Mothers house she the Mothers Mother was about grown when I was a little boy. She called her daughter Polly Rogers, Said Captain John Rogers who was a boat up the River was the father of the child; I saw the girl frequently there at my Mothers and there at Louis Ramsey Store.

I saw her occasionally until I was 15 or 16 years of old and I think then Old Capt. John Rogers took her off to school, I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of old Samuel Dawson, I stayed all night there and we and I had a talk over our old matters and I asked her where she became acquainted with Dawson and she said at the time she was going to school and she said after she left school that Dawson followed her home, to the Nation and they were there married. I have told that precisely in the words that she used, Capt John Rogers claimed to be one fourth Cherokee. The claimant is the son of Polly Rogers, and I know Polly Rogers to be the daughter of Anna Pruett and I know the claimant to be the son of Polly Dawson.

Capt. Rogers then reside in the Cherokee Country about ~~twenty~~ (Word "twenty" marked through) twelve miles below Calhoun on the Hiwassee River An a Pruett resided in the Cherokee Nation as long as I stayed there the Dawson after I got acquainted with them Arkansas were recognized where they were as Cherokees. Robert Dawson children is Buck, John, Marian and two girls, The children named in the petition I recognized as being the claimants.

Question by Solicitor:

No. 1 How many children did Polly Rogers have?
Ans. 1 Five I think that's all.
No. 2 Did you say something about some one being married twice?
Ans. 2 The claimant was married twice.
No. 3 Could Anna Pruet speak Cherokee?
Ans. 3 Yes, she could speak it well.

Ques 4 Did Polly Rogers was a Cherokee?
Ans. 4 She died when I was young.
Ques 5 How far did she live from Anna Pruet?
Ans 5 Just across the river about 3/4 of a mile.
Ques 6 Was Calhoun in the Cherokee Nation?
Ans. 6 It was on both sides of the river part in the Nation and part out in the state.
Ques 7 Which Parnage was it went to Texas?
7 George went first, then John went, they were the sons of old man Parnage, that lived up near the line.
Ques 8 Did the Claimant go to Texas?
Ans. 8 No the Claimant did not go to Texas.
9 What connection was claimant and Polly Rogers?
9 The Claimant is the son of Polly Rogers
Marion here is the grandson of Polly Rogers.
10 Where does claimant now live?
10 He lives in Carroll Co Arkansas.
11 Do you know what relation old Capt John Rogers was to Charles Rogers here in Cooweescoowee?
11 They claimed kin but what kin I dont know there were two Capt John Rogers in the Nation I am speaking of the time when I first come to this country about the year 1830.
12 Was Anna Pruet the maiden name of claimants grandmother
12 Yes that was her maden name the Indian called her Since

his
(signed) Arthur x Baker
mark

Witness hand paralyzed is the reason why he signed by a mark his x

I R T Hanks Assistant Executive Secretary do hereby certify that the foregoing document is a true and correct of the original as appears of record in the Executive Department of the Cherokee Nation.

Given under my hand and the seal of the Cherokee Nation on this the 5th day of December 1894.

(signed) R. T. Hanks,
Asst Exec Sec. "

(seal)

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"To the Honorable the Dawes Commission on Citizenship in the Five Civilized Tribes in the Indian Territory:

Your petitioner, Irena J. House, undersigned, respectfully states that she is a Cherokee Indian by blood, and asks to be enrolled as a member of the Cherokee Nation of Indians in the Indian Territory. That she derives her said Indian blood from Joannah Barber her mother, who is a Cherokee Indian by blood the said Joannah Barber being a daughter of Elizabeth Petty who was the daughter of Polly Rogers and Samuel Dawson, the said Polly Rogers being the daughter of Captain John Rogers and Anna (also Vann) Pruet, Cherokee Indians, as shown by a certified copy of the affidavit of Dr. Arthur A. Baker, which is hereto attached as Exhibit A also affidavits marked exhibits B- C- D- and E.

Your petitioner states the above facts as the lawful grounds for her application for citizenship in the Cherokee

Nation, and prays that her claim may be fully investigated by your Honorable Commission and that she be adjudged to be a citizen of said Cherokee Nation of Indians and entitled to all the rights and privileges pertaining to such citizenship in accordance with the laws and treaties with said Nation of Indians.

My age is 34 years. My Post Office address is Talala, Ind. Ter. My family consists of the following named persons: My husband and children as follows:
F. J. House, aged 34 years; Chas. C. House, aged 9 years; Winson T. House, aged 8 years, Anny V. House, aged 5 years.

WITNESS my hand this 10 day of August 1896.
(signed) Irene J. House.

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Northern Judicial
District, Ind. Ter. SS.

Personally appeared before me, the undersigned authority, Irena J. House, to me known to be the petitioner in the above petition, who being by me first duly sworn upon her oath says that she is the petitioner in the above petition, that she has read (or heard read) the said petition and that the facts stated therein are true, as she verily believes.
(signed) Irene J. House.
Subscribed and sworn to before me at Talala, Ind. Ter. this 10 day of August A.D.1896.
(signed) J. Barricklaw,
Notary Public, My commission expires
(seal) June 3 1899."

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"Exhibit A.
Northern Judicial Division,
Indian Territory.
Joanah Barber being duly sworn according to law, on oath state: My name is Joanah Barber I am 61 sixty one years old. My Post office address is Watova Ind Ter- My husband occupation is farmer I am a Cherokee in Coowescoowe Dist I am a Cherokee Indian by blood my mother being Elizabeth Petty (nee Dawson) Daughter of Samuel Dawson and Polly Dawson (nee Rogers) and said Polly Rogers is a daughter of Clut Rogers and Anna Vann (more only called Alsey Vann) the following Irene J. House is my daughter; she was born in Williamson County, Texas May 13" 1867, moved with her husband children to the Indian Terry and settled near Talala I Tery
(signed) Joanah Barber
Subscribed and sworn to before me this 19" day of Aug.1896.
(signed) J. Barricklaw,
Notary Public, My commission expires
(seal) June 3 1899

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"EXHIBIT B.

Indian Territory,
Northern Judicial District ss.
F. L. Dawson being duly sworn according to law deposes and says:

My name is F. H. Dawson; I am 54 years of age; my post office address is Afton Indian Territory I am a farmer by occupation and reside in the Cherokee Nation.

I am a recognized Cherokee citizen by blood. I was born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from my grandmother whose maiden name was Polly Rogers through my father Robert Dawson, My grandmother Polly Rogers was a Cherokee Indian and was married to Samuel Dawson my grand father in the old Cherokee Nation in Tennessee. My grand parents Samuel Dawson and his wife Polly came west from the Old Cherokee Country in about 1832 and settled in Western Arkansas and later came on to the Indian Territory and the father of this affiant Robert Dawson and family settled in the Cherokee Nation, Indian Territory, Robert Dawson, the father of the affiant was also a recognized citizen of the present Cherokee Nation by reason of his Cherokee Indian blood.

The said Robert Dawson father of this affiant and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of said Samuel Dawson and his wife Polly Dawson whose maiden name was Polly Rogers. The said Elizabeth Petty was the mother Of Joanna Barber who is a full cousin by blood of this affiant in the Indian side. The said Joanna Barber is the mother of Irene J. House nee Barber who is a second cousin of this affiant in the Indian side.

This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians by blood and drew their per capita money all the last payment; said citizens and relatives derived their Indian blood from the same source that the above named Irene J. House, deraves her Indian blood and right.

This statement I have made to John H. Koogler, a Notary Public at Muskogee Indian Territory and it has been written down by him at my dictation. Such part of this testimony as refers to matters occurin previous to my recol ection I know by means of family history and traditions which facts I have always been taught and told of by my parents and grand parents from childhood up, th facts stated as occuring since my childhood I know of my personal knowledge. Affiant further states that he is not personally interested in the prosecution of the application of said Irene J. House for citizenship in the Cherokee Nation.

(signed) F. H. Dawson."

"Indian Territory,
Northern District.

I John H. Koogler, hereby certify that the annexed and foregoing statement and affidavit was dictated to me by F. H. Dawson and was subscribed and sworn to by him and was written by me from his oral statement at my office in Muskogee Indian Territory this 14 day of August 1896, and I further certify that the said F. H. Dawson is personally known to me and that he is a creditable person and entitled to belief.

(signed) John H. Koogler,
(seal) Notary Public."

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Northern Judicial District,
Indian Territory. EXHIBIT D.

E. Dawson, being duly sworn according to law on oath states: My name is E. Dawson; I am 61 years old; my post office address is Talala, Ind. Ter. I am a farmer by Occupation, and reside in Cooweescoowee District- Cherokee Nation. I am a recognized Cherokee Indian by blood, and exercise all the rights and immunities of a Cherokee Citizen now living in the present Cherokee Nation. I was born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from my Grandmother Polly Rogers through my father, Robert Dawson. My grandmother Polly Rogers was a Cherokee Indian and was married to my grandfather Samuel Dawson in the old Cherokee Nation in Tennessee. My Grand Parents, Samuel Dawson and his wife Polly Dawson whose maiden name was Polley Rogers went from the Old Cherokee Country in about the year 1828, and settled in Western Arkansas, and later on came on to the Cherokee Nation. My father Robert Dawson was a recognized member of the Cherokee Nation when he died, by reason of his Cherokee Indian blood.

The said Robert Dawson, the father of this affiant, and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of the said Samuel Dawson and Polly Dawson his wife she being the same Polly Rogers as aforesaid. The said Elizabeth Petty was the mother of Joanah Barber who is a full cousin by blood of this affiant on the Indian side, the said Joanah Barber is the mother of Irena J. House, whose maiden name was Irena J. Barber and is second cousin of this affiant on the Cherokee Indian side. This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians of the present Cherokee Nation and exercise all the rights and privileges of such Cherokee citizens, they having drawn their shares of the Strip Money at the last per capita payment made by the Cherokee Nation.

Said citizens and relatives derived their Cherokee Indian blood from the same source, as did the above named Irena J. House.

I have made this statement before J. Parrickland, Notary Public at Talala, Ind. Ter, and affiant further states that he has no personal interest in the prosecution of the claim for citizenship in the Cherokee Nation of the said Irena J. House.

That the above facts which are within the personal knowledge of the affiant or within his years of discreetion he knows personally, and the other facts which occured before the recollection of affiant he testifies to of what he has been taught from his family history and traditions.

That the relationship existing among all his people in the Cherokee Nation he knows from his personal knowledge and that they are related to the Cherokee Indian side.

(signed) E. Dawson.

Subscribed and sworn to before me this the 19 day of August 1896

(signed) J. Parrickland,
Notary Public, My Commission expires June ., 1.e.
(seal)." Notary Public.

"Cherokee Nation,
Coowescoowee District. EXHIBIT E.

Before me the und rsigned authority this day, personally appeared W. A. Dawson who is to me well and personally acquainted, and after being duly Sworen; deposeth and says, that he is well acquainted with Irena J. House and knows she is a Cherokee Indian, and that he knows she is the daughter of Joana Barber, who is a neice of Robt. & James Dawson, who are both Cherokee Indians and recognized citizens of the Cherokee Nation.

Affiant further states that Irena House is the grand daughter of Mrs. Petty, who was a full sister of Robt & James Dawson.

Affiant further says that he knows that Irena House is a lineal descendant of Annie Dawson whose ~~children~~ (line drawn through word "children") sons, Robt & James before spoken are recognized citizens.

Affiant further says he has no interest in this suit.

(signed) W. A. Dawson.

Sworn and subscribed to before me this 17 da of August 1896.

(signed) William Lynch
Notary Public.

(Seal) My term expires Feb 6 1900."

Foregoing indorsed on cover as follows:
"No: 3099 5464 Before the Dawes Commission on Citizenship in the Five Tribes. Irene J. House V.S. The Cherokee Nation. Petition and Proof, Will T. Linton, for Petitioner. Filed Sept 8 1896 A. S. McKennon, Com'r. Denied. Filed Feb 28 1897 Jas A. Winston clerk."

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"Received of H. L. Jacoway, jr., Secretary to the Commission to the Five Civilized Tribes the original papers in the cause of .... vs..... Nation, as follows..... Witness my hand and official seal at Muskogee this the 28 day of Feb' 1897 J. A. Winston, Clerk."
(Seal)"

Indorsed: "Court No.238 No. 5464 Receipt for original papers in the case of Irena J. House vs. Cherokee Nation, Received and filed this ..... day of..... 189..."

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"Irene J. House et al,
vs. No. 238
Cherokee Nation.

Mr. W. A. Gibson, Special Master to whom this case was referred, submits the following report: (Insert re ort)

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY.

NORTHERN DISTRICT AT MUSCOGEE.

IRENE J. HOUSE ET AL

VS # 236 REPORT OF SPECIAL MASTER.

THE CHEROKEE NATION.

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I, N. A. Gibson, Special Master herein, show to the Court that under the general order herein, I have examined the proof and pleadings on file in this case which are a part of this report, and that I find as follows:-

I

That this case is in reality a branch of Case # 96, Joan a Barber vs Cherokee Nation, the principal claimant herein being Irene J. House a daughter of Joanna Barber.

That this case was instituted on September 2, 1896 at which time application was made to the Commission to the Five Civilized Tribes for citizenship by blood in the Cherokee Nation.

That this case was tried by the said Commission on November 24, 1896 and the applicants denied, no reasons being given for the decision, and that on January 20, 1897, the parties appealed from said decision to this Court.

That this application was made by Irene J. House, her husband, W. J. House, and their children Chas., C. W. [illegible] T., and Henry W. House. That they did in support of their application on the affidavits of Joanna Barber, [illegible] Arthur A. Baker, T. Dawson, and W. A. Bryan. That these Dawson witnesses are citizens by blood of the Cherokee Nation, and state that they are related by blood to the claimants herein on the Cherokee side. The claimants base their contention of a right to Cherokee citizenship upon the fact that the claimant Irene J. House is the daughter of Joanna Barber, who is the daughter of Elizabeth Petty, who was the daughter of Polly Rogers, and that Polly Rogers was the daughter of Captain John Rogers and Ailsey Vann, who were recognized Cherokee citizens by blood. That the testimony shows that this Dawson family are recognized citizens of the Cherokee Nation, and that the claimants herein are cousins by blood upon the Indian side, and that they all claim through a common ancestor, Polly Rogers and Captain John Rogers and Ailsey Vann, who were all recognized Cherokee Indians.

II

The appellee introduces in defense the record of the application of these claimants to the Cherokee Commission on Citizenship in the year 1887, and the record of the rejection of the claimants, and further the affidavits of W. S. Rogers, and Mrs. Sarah Carter, a grand daughter both of whom state that they never heard of any daughter of Captain John Rogers by the name of Polly Rogers, and that he had only one daughter, whose name was Cynthia.

III

The Claimants contend that they are residents of the Cherokee Nation and are relatives of the Dawsons, who are

recognized citizens of the Cherokee Nation by blood, are entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal west. That his name does not appear on the rolls of the Nation, and that neither he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

IV

The premeses considered, I find that the claimants are the descendants of Captain John Rogers, and that it was entirely possible that in the condition of arrairs at that early date in the Cherokee Nation, especially owing to the absence of a marriage law and of records pertaining to marriage, that these claimants should be the descendants of Captain John Rogers by a daughter, Polly Rogers, of whom the affiants for the appellee may never have heard.

I find that the claimants are residents of the Cherokee Nation, Indian Territory, where they have resided since 1887, and that they are Cherokee Indians by blood.

I ask that the Court allow me a reasonable fee for my services herein as Special Master.

Respectfully submitted, this 9 day of Nov 1897.

(signed) W. A. Gibson,
Special Master.

My fee paid,
No Exceptions filed."

Foregoing papers indorsed on cover as follows: "238, Irene J. House et al V Cherokee Nation Final Report of Special Master, Filed Nov 10 1897 Jas A. Winston, Clerk."

Foregoing papers enclosed in jacket indorsed as follows: "238, Irene J. House, et al vs. Cherokee Nation."

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BY MR. HUTCHINGS:

Well we close for the present.

TESTIMONY INTRODUCED ON BEHALF OF THE APPLICANTS:

D. W. C. DUNCAN, being first duly sworn, and being examined, testified as follows:

BY MR. McKENNON:

Q Please state your name, age and residence? A My name is D. W. C. Duncan, my age is 72 years, My residence, Vinita, Indian Territory.

Q Are you a duly recognized citizen of the Cherokee Nation by blood? A I am.

Q You gave testimony in this case once before did you not, before the Dawes Commission? A I did.

Q Before this Commission I will say, this Commission? A The Dawes Commission? A Why I don't recollect who the Commissioner was, that was taken at Vinita, ex parte.

Q Were you in any way connected with the Cherokee citizenship Commissionmin 1883 known as the"Tehee Commission"? A I was Clerk of that Commission.

Q For what length of time? A I don't recollect the exact length of time, I think it was about thirty days, during the continuance of that Commission, existance of that Commission.
Q You were the only clerk it had during its existance were you?
A I think I was.
Q You were Clerk of that Commission when it rendered a decision in favor of Robert Dawson et als, as found on page 114, of its record, numbered 108 (witness examines record referred to.) now in the possession of this Commission? A I was.
Q The members of that Commission were the same as shown by the signatures to this judgment were they? A The same, yes, sir.
Q Thomas Teher, President of the Commission, Alex Wolfe and T. F. [illegible] Commission as that is correct, is it? A That's correct.
Q Were you present when this case was under consideration by that Commission and when it rendered this judgment in the case? A I was.
Q Were you at that time acquainted with F. M. Dawson, commonly called "Ned Dawson", Campbell Taylor and Samuel H. Benge, who were attorneys, who were Cherokee attorneys at that time? A I might say that I merely know Mr. Dawson; all I know of him was I saw him there as a party to the suit. I know Mr. Taylor and Mr. Benge more extensively; I have known them a number of years.
Q They were recognized Cherokee citizens were they? A They were.
Q Was Taylor not known generally as a Citizenship Attorney?
A I think he was.
Q Do you remember seeing him and Benge present at the time this case was under consideration by the Court? A Why I do not recollect seeing Mr. Benge, I cannot recollect, but I can recollect of seeing Mr. Taylor about the Court room now and then.
Q Do you know who submitted the case to the Court for the applicants? A Let me understand the meaning of that; who brought the case?
Q Who called up the case? A No, I don't recollect.
Q Do you remember whether that Commission rendered any other decision than that found upon this record in that case? A I never had any knowledge only but one decision.
Q Was that in favore of or against the applicants? A It was in favor of them; I will say this: that if there was another decision other than the one that appears on the docket now before you, I have no recollection of it.
Q The only decision you have any knowledge of was recorded by you in this book as here shown was it not? A That is the only one that I have any knowledge of.
Q Did Ned Dawson pay you any money in connection with that case?
A He did not.
Q Did he ever promise to pay you any money for your influence with the Court in that case? A Never.
Q Or did he pay any money, either directly or through any other person? A For my influence in that case?
Q Yes, sir? A Never.
Q Have you have any knowledge of his having paid to the Court or to any member of the Court any money for the purpose of influencing their judgment in that case? A None whatever.
Q Did you have opportunity of observing his conduct during that Court at the time? A The only opportunity that I had was during the sessions of the Commission. I saw but very little of him during the recess of the Commission, more than I would see him in passing.
Q How was his reputation, as to his conduct toward that Court which influenced [illegible] and used undue influence in procuring that judg-

ment? A I never observed anything [illegible] that awakened a suspicion in my mind that he was [illegible] in that line of practice.

Q Did Campbell Taylor at any time [illegible] that [illegible] ent pay to you any money as [illegible] son for any services which you had [illegible]

A Yes, he paid me some.

Q What amount? A My recollection [illegible] dollar bill. I don't know [illegible] the transaction, all about it

[illegible] Mr. A. Mr. Dawson, [illegible] ers occasionally applied to me [illegible] of a subpoena or transcript, [illegible] treated him with courtesy and [illegible] me to appreciate it, and when [illegible] to me, says he, I have no money [illegible] ought to pay you. I told him I [illegible] him. And in passing I might [illegible] for any kind of that work which I [illegible] for various parties before the [illegible]

After his trial was [illegible] while before supper time I went [illegible] in Tahlequah went to my room, [illegible] upon the bed to rest, I peopled [illegible] drew a chair up to the bedside [illegible] expression to his gratification [illegible] dwelling mostly upon the testimony [illegible] ily, establishing his Cherokee blood, [illegible] was entitled and that he had received justice [illegible] court, I listened; after a little he says, I must go [illegible] minutes; after a little he says, I must go to-morrow, I must go home,- he [illegible] to-morrow. Says he, Mr. Dawson, I believe [illegible] ought to pay you something. Alluding [illegible] little courtesies that I extended to [illegible] I, I may be wrong, Mr. Dawson, [illegible] you are welcome. Well, says he, [illegible] you. I says, that [illegible] to you. Says he, [illegible] shook my hand [illegible] to do anything for you [illegible] services to [illegible] must have [illegible] on the public [illegible] that I intend [illegible] improvements [illegible] of the country [illegible] Dawson, he had [illegible] but [illegible] a little shanty [illegible] he was very glad to see me, I [illegible] he says he had moved into the [illegible] you are encroaching upon a [illegible] part of the, I will have [illegible] Chadwick. Now well, says Mr. Dawson, [illegible] my trade, I will pay you [illegible] matter in the way, that [illegible] to-day but he would say [illegible] point. It ran on then for a [illegible] him. I let him in Vinita, [illegible] money [illegible] I went to your [illegible]

Well, says he, I gave him some money and told him to paid it to you for me, and, says he, you ask him and he will hand it over to you I guess. Well we parted then. Well, went on for some time, some months; I happened to meet Mr. Taylor in Tahlequah; I met him on the street I think, jocularly I slapped my hand on his shoulder, says I, look here, did Mr. Dawson any money to me by you? He says, yes, and he pulled out what I recollect to be a twenty dollar bill, and handed it to me; I received it, and I received it with the idea that he was compensating me for taking my claim, or possibly for doing him those little services in the Court. Now that is the sum and substance of the whole thing.

Q Was not that twenty-five dollars, Mr. Duncan? A It might possibly have been, my recollection does not serve me exactly, it might have been 25 dollars.

Q Did Campbell Taylor pay you any other money as coming from Ned Dawson? A Never a cent.

Q Did he at one time pay you fifty dollars out of a hundred dollars which he had received from Mr. Dawson? A Never.

Q Did he on a second occasion pay you fifty dollars out of one hundred dollars which he claimed to have received from Mr. Dawson? A None at all.

Q He paid you no other money than that you have already stated, from Mr. Dawson? A Not a cent.

BY MR. McKENNON: We offer in evidence the judgment of the Cherokee Citizenship Commission before referred to, and ask that it be filed in evidence in the case of every application made by members of the Robert Dawson family who claim under it, or through Robert Dawson, as citizens of the Cherokee Nation, said judgment being found on page 114, Records of the Tehee Court, 1880 to 1884, case number 108, judgment dated January 11th, 1883, signed by Thomas Tehee, President, Alex Wolfe, T. F. Thompson, Commissioners. D. W. C. Duncan, Clerk Commission.

The said judgment just introduced is as follows:

"Office Commission on Citizenship,
Tahlequah, C. N., September 24th, 1881.
No. 108
Robt Dawson,
Elbert Dawson,
Jasper Dawson,
John Dawson,
Josephine Dawson,
Joseph Dawson, Petition for Citizenship
Jane Dawson,
Molly Dawson,
Wilbron Dawson,
James Dawson,
Rial Dawson,
vs.
Cherokee Nation.

Continued by the Plaintiff, Oct. 5, 1881.

January 13th, 1882.
The above case continued by the Cherokee Nation till next.

term. Agreed by the parties that the above shall not be taken up for final disposition before the 4th day of Oct. 1882,
October 4th, 1882

It is agreed by the parties that this shall be finally disposed of at the next January term if the claimant is present demanding the same, if not, the case shall be then continued to the September term, 1883.

On this agreement Commission continues the case till the next January term to-wit, January 1883.

And now this the 11th day of January A.D. 1883 this case coming on for final hearing, and all the evidence produced in the case being carefully read and duly considered by the Commission it was adjudged and determined by the Commission on citizenship that the claimants, Robert Dawson, F. L. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Jo[illegible] Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilson Dawson, James Dawson, and Pial Dawson, are Cherokees by blood; and that they are entitled to all the rights and privileges of Cherokee Citizenship within the Cherokee Nation, and that they should be, and they are, hereby admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

(signed) Thos. Tehee,
President of Com.

D. W. C. Duncan,
Clerk of Commission.

Alex Wolfe,) Commission,
T. F. Thompson,) Com.

Transcript from Com. of Claims, January 11th, 1883,
(signed) D. W. C. Duncan, Clerk."

Marginal Note: "Case submitted by Claimant January 11th 1883. Case submitted by Solicitor January 11th, 1883."

Q Do you remember how many members of the Court were present when this judgment was rendered, or were all of them? A My recollection upon that point is not positive, but my impression at the present time, and to the practice of the Court at the time, seeing the names of all these Commissioners there, I can say with a great deal of positiveness that they were all present, because I never signed the name of one of the Commissioners unless he was present assenting to it or directing it.

Q The rendition of that judgment then was concurred in by all of the three judges? A It was.

Q Mr. Duncan, if there had been a decision rendered the day before in this case while the Court was in session, adverse to these Claimants, would you have known it? A I certainly should have known it.

Q Was there any such decision of the Court? A None to my knowledge. I can say positively there was not.

Q How many of those judges are now living? A Only one.

Q Which? A Mr. Thompson.

Q Tehee and Wolfe are dead? A Tehee and Wolfe are dead.

Q How long have they been dead, do you know? A I do not know, quite a number of years. I wasn't living there, never lived near them when their death occured, and their death occurred perhaps a long time before I got knowledge of it. It is generally understood that they are dead.

Q Do you remember to have seen any other member of the Jackson family attend the Court at that time and thereon? A I have been thinking, and I don't recall to mind that I ever saw any other member except Ned, until after they have left the matter subsequent to the rendition of the judgment.

(At this point a party who has been sitting in the room in which the examination is being held, is called forward, sworn on behalf of the plaintiffs, and ordered to retire until called.)

BY MR. HUTCHINGS:

Q Mr. Duncan, when did you become clerk of the Tolbert Commission Court? A It must have been somewhere in December, 1883, at the time the Commission was organized or related at the close of the Council in which they were appointed.

Q December 1, 4? A I think so.

Q What are you doing rendering judgments here in your county in 1883? A The Commission held its Court after they were elected sometime.

Q The Court was elected on 1st December, wasn't it? A Well, I don't pretend to say when the Court was elected, I did have said at the time I was chosen clerk. I was chosen clerk just at the close of the session of the National Council of that year.

Q '84? A I think it was '84.

Q You entered up this judgment rendered January, 1883? A Yes, that was the session of the Commission.

Q That was before you were clerk of it? A Well I held the clerkship for some time you know continuously.

Q Well but when you came to say that you were their clerk when the law on this was passed on it? A No, I don't mean to say that.

Q How could you be clerk when the Commission was created in 1883 when you were not elected until 1884? A I am mistaken in that, '84 comes after '83,- it was the year preceding 1883, it must have been '82.

Q Your first entry in the Parson case is January 17, 1883, isn't it? A I don't recollect what my first entry was. (Attorneys show the record to witness) Yes, that is the entry there on the 17th,

Q And that was shortly after you became clerk, wasn't it? A Yes, shortly after I became clerk.

Q The case had been entered when the docket bore you became clerk? A I think so, yes; it was entered at the previous term of the session of the Commission.

Q In whose handwriting were the names of the three Commissioners signed to that judgment? A Parson Judgment?

(Attorney shows record to witness again) A That is my handwriting.

Q All three names? A All three names.

Q The record there shows that you immediately gave them that day a transcript of the judgment, do you know who signed that? A Signed the transcript?

Q Yes, sir. A I do not recollect now, this is, did the writing?

Q Signed the names to it? A Yes, that's it.

Q You always signed the names of Jones and Tolbert didn't you? A I think I did pretty generally; I don't know of their attempting to write their own names.

Q When Mr. Thompson was there didn't he sign his own name? A Sometimes he did, sometimes he simply authorized me to do it.

Q Have you any recollection of his authorizing you to do it except from the fact that you have done it on that record frequently? A I can't recall the particular literal fact of authorization, but I can say positively that, consulting the record, that he authorized me to put his name there.

Q Will you look at the original transcript hereby shown you and refer [illegible] to it, the judgment and say who signed the names of the Commissioners there? A (Papers shown to witness) A I signed them there.
Q You recognize that as your handwriting? A I do.
Q What made you when you were testifying at Vinita before Mr. Martin, on looking at the same signatures, and being cross-examined by me, say that it was not your signature and that the signature thereto attached was the signature of Mr. Thompson? A Occurred in this way: I had not seen any of the records in the case for about nineteen years. The exact transaction in the court had vanished about entirely from my memory; I recollected at that time, however, when I gave in my testimony before the Commissioner, Martin, that that was a practice of the Court at the time I served by which I signed the names of the full-blood members of the Commission, and Mr. Thompson either uniformly or occasionally signed his own name. I based my statement in that deposition upon my knowledge of the rule or practice in the Court, without comparing the docket and refreshing my memory. I made an incorrect statement when I said that that was not my handwriting; I am convinced now that it is my handwriting. That is the way it occurred, the way it happened.
Q Then you consider your recollection of the fact that Thompson when he was present and rendering a judgment signed it himself, better than your own knowledge of your own handwriting?
A No, I didn't so regard it. I simply spoke without advisement when I gave in that testimony; I subsequently became better informed and concluded that that was my handwriting and not entered by Mr. Thompson under the rule, but was one of those cases in which he authorized me to do it myself, and I did it.
Q Then you have changed your testimony, because you think you have a better knowledge of the surrounding facts now than you had then, and not from the fact of your judgment on your handwriting at present? A I simply corrected my testimony in reference to my statement in regard to this handwriting, this case.
Q And you wouldn't know then as I understand you whether or not that is your handwriting if it was not refreshed by what you consider to be exterior facts? A I should know it by examining it and thinking over the circumstances, I think I should recognize my own handwriting, but if the question should be propounded instantaneously without any advisement or preconsideration I might make a mistake.
Q You did recognize the names of Thomas Tehee and Alexander Wolfe as being in your handwriting at that time? A I was very clear and positive, and so stated, that the names of those Commissioners were in my own handwriting, and I was made certain by reflecting on the rule that they never signed their names with their own hand, but always authorized me to do it. Hence there is no question in my mind in regard to my handwriting in their signatures.
Q And then the third name, right under it, as compared with your admitted handwriting, you had to wait and learn the facts afterwards to determine whether that was your signature or not? A No, I don't think that if I had considered the circumstances, I knew that there was a resemblance; what made me of the opinion that that might have been Mr. Thompson's signature was like this: I knew that he had been in the habit of at least sometimes signing his own name, and I was under the impression-and I do not now think I am much deceived- that his chirography bore at least some resemblance to my own, hence I doubted whether I had signed that name or not on that account.

Q You are aided somewhat at this time in your testimony by the fact that Mr. Thompson I am sure that that was his handwriting and not yours, didn't it? A Mr. Thompson I stating, that that was my handwriting; set my mind to work to ascertain whether I was not right or not, and after so long a time I concluded that I was.

Q As he stated, and you too didn't you, that he always signed the original bill when he was present? A I do not recollect now. I stated, that I used the word "always", at that time, but at the time I was examined when the deposition was taken it was in my mind that he did, but when I come to recollect and examine it more closely I became convinced that I was wrong, that occasionally I signed for him.

Q Then you never found out that your testimony given on this, like a year and a half ago was wrong, until you examined the docket before yesterday, and compared your memory upon that case? A I don't know that I have thought of it since that time until yesterday or day before the examination in the docket.

Q So the only recollection that you have got and the aid to your recollection that Thompson was present when such judgment was rendered was the fact that you see his name signed to it, in your handwriting, is it? A As a fact,-

Q You can answer that yes or no? A That recalls the handwriting aids my recollection and I recollect now that the counsel were all present at the time that I signed it. I didn't their names out of court at all.

Q Was it in the forenoon now or in the afternoon ? A I don't recollect whether it was in the forenoon or afternoon.

Q In recollecting that they were all present when the record was signed, do you mean to say that they were all present when the judgment was rendered? A Yes, that is, you mean when the question of admission or rejection was voted upon?

A Yes. A They were present.

Q Did you make up the record at the time that they rendered the judgment, or make a memorandum on it, and then write up the judgment some days afterward? A The record was not written up immediately upon the decision of any case, but I wrote up the record after adjournment, generally in the evening, and presented it next day or when the next session was had, for signature; that was the practice.

Q But in this Dawson case you wrote it up the very day that it was rendered didn't you? A I didn't recollect as to that.

Q And gave them a transcript the very day it was rendered?

A I don't recollect as to that.

Q And indicated the giving of the transcript on the bottom of the judgment the day it was rendered? A I should say it was given at the date of the transcript.

Q That was a very unusual thing for you to do in entering up judgments? A To do what?

Q To noteon the bottom that you had given a transcript the same day the judgment was rendered? A No, I dont' know that there is anything unusual about that.

Q Any other places in that record or more than one in any event that you have ever done that? A I don't recollect, indeed I don't recollect of giving anybody else a transcript.

Q That is what I am getting at you gave them a transcript and wrote up your judgment and everything right away? A Pretty promptly after the decision; whether it was the same day or the evening, and signed next day, I don't recollect.

IT NOW BEING THE HOUR OF NOON, 12 M., THE COMMISSION ADJOURNS UNTIL HALF PAST ONE P. M.

AFTERNOON, TIME-1:45, P. M., APPEARANCES,-same as in forenoon: H. M. C. DUNCAN again on the stand.
BY MR. HUTCHINGS:

Q Do you remember what witnesses were before the Court? A I don't recollect now distinctly except Mr. Baker, I remember him simply because of the length of his testimony and the time it took to take it.
Q The Doctor was about the only distinct witness there was? A He is the only one now that I can call to mind.
Q There was probably another old darkey that testified was not there? A I have no recollection to that effect.
Q The case was just decided really on Doctor Baker's testimony, he is about the only man that knew anything about the case? A I am not certain that Dr. Baker was the only witness; might have been others that have now escaped my recollection.
Q Doctor Baker's testimony was taken down in writing? A Yes.
Q There was not anybody's else taken down in writing, was there? A All the testimony that was accepted in the case was taken down in writing.
Q Did you ever see anybody's else testimony in writing; except Dr. Baker in that case? A That is not as I recollect, I don't recollect any other but Dr. Baker's.
Q You know whether that was taken immediately before the trial or at the trial or how was it? A It was taken in the presence of the three Commissioners during the session of the Court.
Q You know the day that the case was decided or not? A I do not recollect whether the case was on trial more than one day, but my impression is that it was
Q Do you know whether it was the same term of the Court or not? A I think it was the same term of the Court.
Q How many terms a year did that Court have, what not how did they last? A I don't recollect of but serving one term.
Q Don't recollect the serving but one term? A Myself, it seems to me so.
Q You didn't go in until January of 1883 did you; your first record is a record of about the 15th of January 1883, as shown by the book, isn't it? A I don't recollect in that regard.
Q How would they take testimony in the case, then continue it, how would they generally do about that? A I think they decided on the case at the term in which they took testimony.
Q Can you say whether or not this testimony was taken in July or at the time it was decided on at the same term it was decided, or within a week or two of the time it was decided? A My best recollection is that it was taken at the term in which it was decided; case was taken up, testimony heard and the decision was made at the conclusion of the testimony
Q Well now, I see on October 4th, 1882, on your book, the following entry reads: "It is agreed by the parties this case may finally be disposed of at the next January Term," That would be January, 1883, "If the Court is present during the week, the case, if not, the case shall be continued to the next term, i.e., 1883; or this agreement the Court may continue the case till the next January term, 1883." Now that I should take as you had

January and a September term; and this decision was rendered at the January, 1883 term. Was Baker's testimony taken during the January, 1883, term, at the time this decision was rendered? A I think it impossible for me to recollect those facts that are recorded there; although I can say about that, that the record shows the correct statement of the facts; but I can't recall those facts.,

Q Well there is a record here that this case was continued on the 13th day of January, 1883, upon agreement that it should be taken upon the 4th day of October, 1883; your record shows that there was nothing done in the case from January 13th, 1883 until October 4th, 1883; would you say that was correct? A I should say it was correct if it so stands on the book; it is designed to be a correct entry of the facts.

Q I will let you see the book for yourself; I don't want to misrepresent your end of it at all. (Shows entry in book to witness.)

A I can't recall those facts in regard to the agreement.

Q You took down the testimony of the witnesses in court? A I took it down.,

Q You took down the testimony of Dr. Baker? A Yes.

Q He was cross examined by counsel for the Nation? A As to that I don't recollect. He was present, he was always present; I think likely he was cross examined.

Q And that testimony was taken at, or near the time when the judgment was rendered in January, 1883? A I think it was, my impression is to that effect.

Q Well the court seems to have had no session as to this case from January 13, 1883 up to October 4th, 1883, according to the record? A (No response.)

Q You don't recall taking down anybody's else testimony in the case? A No sir, I don't.

Q And the probability is that he was the only witness examined isn't he? A It might have been so; my recollection is that he was regarded as the main witness of the case.

Q He was quite an old man, about 70 at that time? A Yes, he was quite old.

BY MR. McKENNON

Q The testimony of Dr. Arthur Baker, from this record, appears to have been taken January 14th, 1883? is that correct, as far as you may know, or are able to state? A Is that Dr. Baker's testimony? (Attorney here shows witness papers) A It appears to be, yes; I don't think that was the testimony that the case was decided upon, because his testimony was taken orally before the Commission, and I wrote it down; please let me see it. (Attorney hands said papers to witness.)

A Well, all I know about this is as I stated before, I can't recall those facts, but whatever the record says why I say that the record was made correct, according to the fact. (Witness takes copy of the testimony referred to to refresh his memory.) I don't stop and read in reading them very clearly to my own understanding, but I gather from the subject matter in that testimony that it is in accord with Doctor Baker's statement; in exactly word for word I am not able to say, but that is the tenor of the testimony.

BY MR. HUTCHINGS:

Q In taking the testimony you endeavored to get down all the material facts that you could in taking it in long hand? A Yes, very nearly word for word, as I could take it, sometimes there was a little variation made necessary by the length of the witness' statement.

BY MR. McKENNON: Applicants object to all of the witness' testimony relating to the method of taking the testimony of witnesses at the trial, the character and effect of that testimony, and the number of witnesses, except so far as the same may be used for the purpose of testing the memory of the witness, because the same is incompetent, irrelevant and immaterial.

B. F. FORTNER, being first duly sworn, and being examined testified as follows:

BY MR. McKENNON:

Q What is your name? A B. F. Fortner.
Q What is your age? A 54.
Q You are a physician are you not? A I am.
Q Where do you reside? A Vinita, Indian Territory.
Q Do you hold any official position in your position? A Yes, I am President of the National Board of Health, Cherokee National Board of Health, and member of the Legislative Committee of the Indian Territory and of the American Medical Association,-those are some, and the most important positions I hold at this time.
Q Are you a Cherokee citizen? A I am.
Q By blood or intermarriage? A Intermarriage.
Q Your wife is a citizen? A Yes, sir.
Q Do you know D. W. C. Duncan? A I do.
Q How long have you known him? A About twelve or fifteen years, about twelve years I should say.
Q Do you know his general reputation in the community where he resides for honesty and truthfulness of character? A I do, I think.
Q Is that good or bad? A It is good.
Q Do you know Campbell Taylor? A I do.
Q How long have you known him? A About six or eight years, don't know exactly how long; known of him for ten years and personally I have known him about say six or eight years.
Q Do you know his general reputation for truth and veracity? A I do.
Q Is that good or bad? A It is bad.

BY MR. HASTINGS:

Q Mr. Duncan belongs to the same church you belong to? A Yes, sir.
Q And has for a number of years? A Well now I say I think he does; I have always so understood.
Q Don't keep up with all your members? A No, but he has attended church there and my impression has been that he is a member of the church.
Q You didn't have any business before the Citizenship Court of which he was clerk, did you? A No, sir, not that I know of.
Q You was not at Tahlequah while he was clerk of a Court from 1838 to '3? A I don't believe I was.
Q Never had any business before that Court? A Had no business before them, not while he was Clerk to my knowledge.

BY MR. McKENNON:

Q You spoke of his membership in the church; he is in good standing as a member of the church is he? A Yes, sir.
Q I will ask you if Campbell Taylor's reputation isn't notoriously bad? A Yes, I have so understood it.

BY MR. HASTINGS:

Q I will ask you if it was notoriously bad in 1903, when these people employed him to represent them before the Court? A That was before my knowledge of him.

Q But so far as you know his bad reputation dates back so far as you know him? A So far as I know sir.

G. C. MILLER, being duly sworn and being examined, testified as follows.
BY MR. McKENNON:
Q What is your name? A G. C. Miller.
Q What is your age Mr Miller? A 61.
Q Where do you reside? A Vinita.
Q How long have you lived there? A Well I have lived there altogether about 12 years, I guess, or 14.
Q Are you a citizen of the Cherokee Nation? A No, sir.
Q What is your business? A Real estate and insurance agent.
Q Do you know D. W. C. Dumont? A Yes, sir.
Q How long have you known him? A I have known him twenty years.
Q Do you know his general reputation for honesty and uprightness of character where he lives? A Why yes sir.
Q Is that good or bad? A It is good, so far as I know.
Q Do you know Campbell Taylor? A Yes, sir.
Q How long have you known him? A Well I have known him 15 or 20 Years, I guess.
Q Do you know his general reputation for truth and honesty? A Well yes.
Q Is that good or bad? A Well, it is bad, I think.

ATTORNEY FOR CHEROKEE NATION waive cross examination.

W. H. CURTIS, being first duly sworn and being examined, testified as follows:
BY MR. McKENNON
Q What is your name? A W. H. Curtis.
Q How old are you, Mr. Curtis? A 56.
Q Where do you reside? A Afton, Indian Territory.
Q How long have you lived in the Indian Territory? A 30 years.
Q What is your business? A Lumber business.
Q Do you know D. W. C. Dumont? A I do.
Q How long have you known him? A About 20 years.
Q You know his general reputation for honesty and uprightness of character in the community where he lives? A I do.
Q Is that good or bad? A As good as any man's.
Q Do you know Campbell Taylor? A I do.
Q How long have you known him? A Some 20 years, I suppose.
Q Do you know his general reputation for truth and integrity and honesty? A Yes sir.
Q Is that good or bad? A Bad.
Q Is it notoriously bad? A Yes.
Q Did you ever know Dr. Baker, Dr A. B. Baker, of Berryville, Arkansas? A Yes sir; I knew him in '68 and '69.
Q Where? A Over at Berryville; I ran a saw mill in that country at Berryville.
Q Did you know his general reputation so far as honesty and uprightness of character and truthfulness? A Yes sir.
Q Is that good or bad? A Good sir. Good as any man's; he is a good Christian gentleman.
Q Did you know him well enough to know his habits of life? A Yes sir.
Q Was he in the habit of using liquor, drinking liquor? A Not that I know of sir. I never saw him take a drink in my life.

Q Was his character such as to preclude any such charge against him? A It was, yes sir.

BY MR. HUTCHINGS:

Q How long did you know Dr. Baker? A Two years.
Q What does he do there? A He was an old gentleman then, he lived right in the edge of Berryville, Dr. Baker.
Q How old do you think he was then? A I think he must have been 65 or 70 years old; an old gentleman.
Q That was in 18 what, 60? A No sir, it was in '68 and '69, the two years that I lived over there.
Q He had retired from business? A Yes, sir.
Q Did he have any family? A Yes, sir.
Q What family did he have? A I don't know how much family he had, I was well acquainted with the old gentleman.
Q He wasn't doing any business with anybody? A No sir.
Q And his character was never called in question one way or the other was it? A No sir, no sir.
Q Campbell Taylor was a notorious rascal pretty much ever since you ever knew him wasn't he? A Yes sir, I never knew much good of him.
Q And whenever a man got a bad citizenship case he got Jo Neal to work it, because he was notoriously a rascal; that's it ain't it? A Well a great many of them got him.
Q It was a notorious thing that they had a bad case they would go to him, it would sort of give a case a bad odor to have Campbell around it? A Yes, that would be right.
Q You never knew anything about Mr. Duncan's connection with citizenship matters? A No sir, never did.
Q You never heard about his changing some of the records of citizenship cases? A No sir, never did.
Q You have heard lots of talk about this Dungon case? A Yes sir.
Q Rumor had it all around that somebody was doing something wrong? A Yes sir.
Q You never accused him of it you think? A I never heard him accused of it, no sir.
Q That rumor got out from the first day they were admitted right up to the present? A Well I don't know not from the first day, I have heard it for a good while though.
Q But you never knew who they fixed it on? A No sir.
Q They have been a pretty strong family up there in that county haven't they, pretty large family? A Yes sir.
Q Got a good many votes up there? A Yes sir.
Q Did you ever know of the Doctor's testifying any in court, Dr. Baker? A No sir, I never did.
Q What would you think of a man who would testify that in the year that was single in 1825 when the youngest of the seven children was born in 1823; what would you think, would you think that was a statement to be made by a man who was truthful? A -

BY MR. McKENNON: Applicants object to the question because it is wholly incompetent, and not based upon any proof or admitted facts in the case, and it is wholly irrateral and incompetent.

Do you think that was a statement that would be made by a truthful man? - (No response.)
Q You knew him in '68? A Yes sir.
Q He was quite an old, decrepit man? A Yes sir, quite so, '68 and '69.

Q 14 years from that time he was liable to be in his dotage? A I don't know, he was an old man when I knew him.
Q He was too old to work, and retired from business then? A Well he did work a good deal, but wasnt doing any business particular that I knew of.
Q He would have been pretty old 14 years from that time? A Yes, he would be getting old.

D. M. HARRS, being first duly sworn and being examined, testified as follows:

BY MR. McKENNON:

Q What is your name? A D. L. Harrs.
Q What is your age, Mr. Harrs? A I am 44.
Q What is your business? A I am publishing a newspaper.
Q What paper? A "The Indian Chieftan."
Q Are you Editor of that paper? A Yes sir.
Q You live at Vinita, then? A Yes sir.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A Intermarriage.
Q Do you know D. W. C. Duncan? A I do.
Q How long have you known him? A 18 or 19 years.
Q Do you know his general reputation in the community where he lives for honesty and uprightness of character? A Yes sir.
Q Is that good or bad? A Good.
Q Do you know Campbell Taylor? A Yes sir.
Q How long have you known him? A Why 15 years or longer.
Q Do you know his general reputation for truth and honesty in the community? A His general reputation, yes sir.
Q Is it good or bad? A Well it is not good.
Q Is it bad? A Well I suppose it must be bad then.

BY MR. HUTCHINGS:

Q How long has Campbell's reputation been bad, Mr. Harrs, quite a good while, hasn't it? A Why I think so, yes sir.
Q And it kind of began mostly with this citizenship business? A Yes, so far as I know it did, yes sir.
Q Campbell got so many bad citizenship cases and through the trials, and they finally had him up about it, had a good deal of stir about it? A Yes sir.
Q And some of that stir was sort of occasioned by his helping the Dawsons in wasn't it? A I don't know, I don't know whether he helped the Dawsons.
Q Was not that one of the principal cases that brought him into notoriety? A I don't know whether he had that case or not. I know he had a great many cases.
Q That was the principal thing that convinced the Dick Campbell out, was citizenship cases here? A I think that is what got him into the most trouble.
Q I say before that time nobody had talked much about Campbell one way or another, and it became pretty general that Campbell was handling shoddy citizenship cases, and he got a bad reputation from that? A Yes sir, I think that was the impression generally.
Q How Mr. Duncan's connection with the Dawson case sort of been kept back; people never talked much about it? A I never heard anything about it, as I know of.
Q You have heard that there has been something going about the Dawson case, that has been a notorious thing? A Oh it has been a notorious case, yes sir.
Q Well the fact of Mr. Duncan's reputation for straightness has been somewhat given by him self, he confesses it frankly? A How is that?

Q His reputation for straightness is somewhat given by himself; he takes occasion to confess that very often himself; doesn't he?
A I don't know whether I am qualified to answer that.
Q Speaking of his own honesty, he does that very frequently?
A No sir, not that I know of.
Q Doesn't he write a good deal about that sort of thing? A About his reputation?
Q Why in speaking of his own integrity? A I don't remember that he does.
Q You were not about the citizenship courts along in 1.81 '2 and '3 were you? A No sir.
Q Don't remember about the talk that was going on around the Capitol over there about the citizenship cases? A Why no, don't remember anything special as I know of. I remember the citizenship court going on at different times.
Q How far were you living from Tahlequah in '83? A Well, I lived close to Vinita, I guess it is sixty miles probably.
Q Have you lived any nearer Tahlequah since that time? A No sir, never have.

H. L. BUTLER, being first duly sworn and being examined testified as follows:
BY MR. McKENNON:
Q What is your name? A H. L. Butler.
Q You are a minister of the Gospel? A Yes sir.
Q M. E. Church, South? A Yes sir.
Q How long have you been in the ministry? A I have been in the ministry 28 years, sir.
Q Did you ever live at Vinita? A Yes sir.
Q How long? A I was there four years, sir.
Q Do you know D. W. C. Duncan? A I do.
Q How long have you known him? A I have known Mr. Duncan 31 years.
Q Do you know his general reputation for honesty and uprightness of character? A I do.
Q Is that good or bad? A Good, so far as I know.
Q You have had opportunity of knowing? A Yes sir.
BY MR. HUTCHINGS:
Q Mr. Duncan was a member of your church? A Yes sir.
Q That is the principal way you had of coming in contact with him?
A Yes sir, he was a member of my official board.
Q His connection with citizenship cases that were decided by the court of which he was clerk was never brought up in your presence anywhere? A No sir.
Q Or never discussed? A No sir, I know nothing about his connection with it.
Q You didn't live about or near Tahlequah in '83? A Yes sir, I was Pastor of the Methodist Church in '83 at Tahlequah.
Q Did you hear about the Dawson case, and other cases admitted over there by the Citizenship Court? A No sir, I know nothing about the cases; I remember when the Commission was in session, and remember that he was clerk of the Commission, but knew nothing about the cases that were decided at all.
Q Never heard anybody discuss the cases that were decided? A No sir.

THOMAS A. CHANDLER, being first duly sworn and being examined, testified as follows:

BY MR. McKENNON:

Q What is your name? A Thomas A. Chandler.
Q What is your age, Mr. Chandler? A I am 30.
Q What is your business? A Deputy Clerk of the United States Court at Vinita.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know D. W. C. Lawson? A Yes sir.
Q How long have you known him? A Let me see, I have known him about nine or ten years.
Q You know his general reputation for honesty and uprightness of character in the community where he lives? A Yes sir.
Q Is it good or bad? A Good so far as I know.
Q Do you know Campbell Taylor? A Yes sir.
Q How long have you known him? A I think about 15 years.
Q Do you know his general reputation for truth and honesty? A Yes sir.
Q Is it good or bad? A Bad so far as I know.

BY MR. HUTCHINGS:

Q How did Campbell Taylor get a bad reputation? A Well sir, I don't know how he did.
Q You never knew him until 1885? A Well I never knew him personally, I heard of him before that.
Q He had a bad reputation back in '85? A Yes sir.
Q Bad reputation way back yonder? A First I remember I ever heard of him I heard people speaking bad of him, when I was a child.
Q And everybody that came around the Nation and knew anything at all knew Campbell had a bad reputation? A Yes sir, ever so far back as '79 or '80, that is as far back as I can remember; I think I heard it spoken of in '80, I think that's about the time.
Q And Campbell got a very bad reputation in '80 and '81 when we began to have these citizenship cases? A Yes sir.
Q You heard him spoken of in connection and using the mails for those businesses? A Yes sir, I heard of him being in the Fort Smith Jail on that account.
Q Citizens of the Nation talked a good deal about Campbell's being in these bad citizenship cases? A Yes sir.
And I also heard he had a bad reputation for paying his debts, along about the same time.
Q You don't know whether or he had the money, he might not have had the money to pay his debts? A No sir.
Q He could have left out of bad obligations often? A Yes sir, I suppose he could.
Q You never heard Mr. Duncan's name mentioned before in connection with the Dawson case, citizenship cases? A No sir, I don't think I have, I may have, but I don't remember hearing it.
Q General impression that somebody had done something wrong with that matter, citizenship cases? A I heard there was something wrong in connection with the Dawson citizenship cases.
Q That he claims been in notoriety ever since they were committed? A Yes sir, I have heard it rumored around over the country that such was the case.

Q They had a pretty large voting capacity at that time? A Yes sir.
Q The matter was never investigated? A I don't know about that, I don't think it was ever investigated. I never heard of it.

Q So they never made any endeavor to find out who the man was?
A No sir.
Q Where did you live in '83? A In '83 I lived out on Dick Creek about 12 miles south-east of Vinita.
Q How far from Tahlequah was that? A About 65 or 70 miles, I suppose.
Q You never were around before the citizenship courts any during that time? A No sir.
Q You don't know then whether or not Campbell had lost all the big cases or not down there? A No sir, I do not, at that time.

BY MR. McKENNON: Applicants object to all of the testimony of this witness as to what he heard by way of rumor, about the character of the Watson case, because the same is hearsay, immaterial, irrelevant and incompetent.

A. S. McKENNON, of Counsel for Applicants, being first duly sworn, makes the following statement:

I became a resident of Carroll County, Arkansas, early in 1880. I was intimately acquainted with Doctor Arthur Baker, for many years. Knew him as well as I did anyone else. He was a gentleman of the highest Christian character, so recognized by everybody who knew him. He was a sober man, and never drank liquor. I make this statement more in vindication of that good man's memory than for any other reason, because any imputation against his character is false.

BY MR. HASTINGS:
Q How long did you know him? A I resided in Carroll County until 1887 when I removed to Johnson County, Arkansas; during the time I was away from home, but I knew him intimately every year that I resided in Carroll County.
Q Did you know him since '67? A Yes sir, I have seen him several times. I have relatives living in the town in which he lived; my relations to him were such as to cause me always to inquire about Doctor Baker; I knew his reputation I think as well after I left there as I did when I lived there.
Q Did you know those facts in 1896 when you were a member of this Commission? A Yes sir, I have known them all my life; I know them now.
Q Did you know them when you as a member of this Commission passed on the Irene J. House case? A I knew it every day of my life, in 1896 as well as now.
Q Suppose that Doctor Arthur Baker's statement should appear that he was born in the year 1809, and suppose he said when he was 15 or 16 years of age that Anna Pruett the wife of Samuel Dawson, was a grown up girl going to school, when the other undisputed evidence shows that she had married Sam Dawson prior to that time and had seven children, the youngest of whom was born in '33, how would you harmonize that with a man who was an honest man and knew the facts in the case? A Whatever Dr. Baker stated he honestly believed, whether it was right or wrong; whether it was error or truth, he honestly believed it, and stated it as he believed it.
Q He was capable of being in error? A Every man is.
Q I say he was? A Yes sir, just as you and I and every man, he was; I merely stated as to his high character, which could be proven, by every man who knew him I think, I know it.
Q The Commission rejected Irene J. House in 1896, of which you were a member? A I don't remember anything about that personally.

TESTIMONY ON BEHALF OF CHEROKEE NATION.

DAVID MEREDITH, being first duly sworn, and being examined, testified as follows:
BY MR. HUTCHINGS:

Q State your name? A David Meredith.
Q Where do you reside? A Vinita.
Q How old are you? A 60 years old.
Q Did you ever know James Dawson? A Yes sir.
Q How long have you known him? A I knew him probably 2 years.
Q Did you ever have any talk with him about his citizenship case.
A Very little.
Q You were at one time an applicant before the Dawes Commission for citizenship were you not? A Yes sir.
Q Well what did Mr. Dawson tell you with reference to his citizenship, as to the cost of his getting it, if anything? A Well he told me it cost him eleven or twelve hundred dollars to get his case through.
Q Where did that conversation take place? A At Afton.
Q At what time? A It was in '87, spring of '88.
BY MR. McKENNON:
Q Where were you when he told you that? A I was working on a house in Afton, building the house.
Q Whose house? A S. S. Haines.
Q Who else was present? A Haines was present.
Q Where is he? A At Afton.
Q What aged man was Mr. Dawson at that time? A I don't know, he was very old, probably 75 years old.
Q Was he not a very feeble man? A Yes sir.
Q Hardly able to get around? A No sir.
Q Was he not then regarded as feeble minded old man? A I don't know whether he was so regarded or not.
Q You don't know what he had to do with the case, in fact, himself, do you? A No, I judged it was himself and family that cost that much to get through; attorney's fees, etc. That is the way I took it anyway.
Q You were an applicant yourself were you not? A Yes sir.
Q When? A At that time.
Q Before the Cherokee authorities? A Yes sir.
Q They rejected you? A Yes sir.
Q You were an applicant then before the Dawes Commission were you?
A Yes sir, been rejected ever since.
Q Are you still an applicant? A Yes sir.
Q Still trying to get in? A Yes sir.
Q Claiming by blood? A Yes sir.
Q How long have you been living in the Cherokee Nation? A 15 years.
Q Where did you come from? A Indiana.
Q Claiming to be a Cherokee citizen? A Yes sir.
Q Indian? A Yes sir.
Q James Dawson is dead is he? A Yes sir.
Q How long has he been dead? A I think he died probably within two years after that.

TESTIMONY TAKEN ON BEHALF OF THE APPLICANTS.

F. M. DAWSON, being re-called and further examined, testified as follows:
BY MR. McKENNON:
F. M. Dawson? A Yes sir.

Q Mr. Dawson, what member of your family came to the Cherokee Nation to file and prosecute the claim of your father, Robert Dawson, and the members of his family, to Cherokee citizenship?
A My brother from Texas met me at Tahlequah.
Q Tell his name? A Elbert Dawson, they all know him by Buck.
Q When was that? A In '81 as well as I remember, or '82, I don't know which, it was in '81 or '82.
Q Did you file your claim at that time? A My brother did, yes, the application,-my brother had Joel Mayes to make it out and file it. That is my understanding.
Q Joel Mayes, who afterwards was Chief of the Cherokee Nation?
A Yes sir.
Q Before what court was that filed? A My understanding was he was clerk of the court; Hastings can tell me what court he was clerk of.
Q He was clerk of the Court at that time? A Yes sir, of the citizenship court; that's my understanding.
Q What was done about the case at that time, if you remember? A I went back home and left my brother down there at that time, that trip.
Q Where did you then live? A I lived at Berryville, Ark. ansas.
Q When did you next come to the Cherokee Nation? A I believe I came back the next January, that was in September.
Q Was your brother Buck here then? A I don't think he was, I don't remember.
Q Well had he at any term of the Court or session of the Commission at any time after you first came here and filed the application until after it was decided? A No sir, I never met him any more until that case was decided.
Q You conducted the business then after that did you not? A Yes sir.
Q The case was finally determined in January 1883? A '83, yes sir, the 11th day as I remember.
Q Were you present at that session? A Yes sir.
Q Was there any decision of that case other than the one of record here? A I never heard of it if there was.
Q Was the judgment rendered in that case as recorded in the record Book of the Commission now in the custody of the Dawes Commission the only judgment that was rendered in that case so far as you know?
A Yes sir, so far as I know, if there was any I never heard of it in that case.
Q You then know of no decision against you in the case? A No sir.
Q Who was your attorney employed at the beginning? A I employed A. M. Norwood.
Q Was he a Cherokee Citizen? A Yes sir, I think so.
Q Where did he live? A At Clarksville, my understanding.
Q Was he present at any time before the Commission? A I never saw him, he never let me there before the Commission.
Q Did you pay him any money? A Yes sir.
Q How much? A Fifty dollars.
Q Did he ever render any services? A If he ever did I never knew it.
Q Well then who did you employ? A My brother employed Joel Bryant.
Q Was he a Cherokee citizen?
A That is my understanding.
Q Was he not a prominent Cherokee citizen? A Yes sir.
Q What service did he render? A Well sir, I don't know whether he rendered any or not, only he met me a time or two at Tahlequah, and he was before the Commission; whether he rendered any services

or not I don't know; he was personally always at Washington City during the Term down there.
Q Well what did he do about it? A I don't know, I couldn't say whether he done anything about it. That is Mr. Bryant, he was always gone.
Q What next was done about the employment of an attorney? A Why I got a letter from Joel Bryant that he was going to Washington City and for me to come down in January Term and Campbell Taylor would see to my claim before the court.
Q Did he say that he had engaged the services of Campbell Taylor the attorney, to attend to it in his absence? A Yes sir, in his absence.
Q Have you got that letter? A I don't think I got the letter.
Q Well what did you do then? A Why when the time come I come down on the city to Muskogee here and I goes over to here to Fort Gibson and I goes down to see Uncle Houston Berge and stays all night with him; it was very cold weather, and I got him to go over and submit my case to the court; I went over one day and the next day Uncle Houston Berge come over and the next morning after he come over the case was submitted.
Q Did he submit the case? A Yes sir, he told me so.
Q For you? A Yes sir.
Q Were you present? A I was present until they went to take the vote on the case and then he was drove out of their room and they had a secret session, actin on the case.
Q Was Houston Berge present with you? A Yes sir.
Q Were you in the court when he submitted it to them? A No sir, when he made his argument.
Q He made an argument before the Commission? A Yes sir.
Q Was the decision rendered on that day? A Yes sir.
Q How long after he made his argument did submitted the case? A It was not but a little bit; the two drove out of the room the first time before they went in and right for him to set up the cigars to the court and after the decision was rendered then I was to set up the cigars and I come on to me and told me to set up the cigars and I done so.
Q And you took the cigars there at all? A Yes sir, everybody, the attorneys and all that was in the case, and I had a big crowd.
Q Did they then announce their decision in the case? A Yes sir, they told me that I was granted my certificate by the Commission.
Q What did you do about it then? A Why I filed that with my certificate.
Q That same day? A That same day.
Q What arrangements did you make with Mr. Berge about his fee, or what was the amount of his fee? A There was no arrangements until we got up there and he submitted our case; then he told me, he charged me fifty dollars, that was his fee.
Q What was the agreement about the matter, the manner in which that fee should be paid? A My brother in Texas was to pay it.
Q Were you to write or was he to write? A He was to write for it.
Q Did your brother in Texas ever pay his fee of fifty dollars?
A Yes sir.
Q Was that all that was to be paid? A All that I have; all he charged me.
Q You heard him state out when he gave his decision at Fort Gibson the other day did you not? A Yes sir.

Q He there state that you paid him fifty dollars after he got you to Tahlequah, did you do that? A No sir.
Q He said that you paid him fifty dollars after he got you to Tahlequah, did you do that? A I never paid him a cent in my life.
Q After the judgment was rendered here did you go to? A I went back to Silo Arkansas.
Q By what route? A I went by Silom Springs and on by Spring Dale and then on to Rogers, took the railroad there and went on by Siloam and by Eureka Springs home.
Q You then did not return to Fort Gibson with Lorton Beige, as he stated? A No sir, I did not.
Q Why did you not return by way of Fort Gibson? A Well I thought maybe the others was the cheap at road and stuff a hack going out by the Stables there I was boarding at, I could go to Silo. Siloam and I went by that route and then there was a hack going by Spring Dale, that was the most direct route.
Q That was the most direct route fro your home was it not? A Yes sir.
Q And the cheapest? A And the cheapest route.
Q Had you been coming back to Fort Gibson you would have been going directly away from home would you not? A Yes sir.
Q Your home was nearly east, due east of Tahlequah was it not? A Yes sir, little north of east, pretty near due east.
Q While Fort Gibson is most due west is it not? A South west.
Q You heard the statement that you went to Fort Gibson with Mr , and as you came you stated to him that you went to reach the court through Gibson and you needed five hundred dollars, did you make that statement? A I never did, I didn't have the five hundred dollars to reach him.
Q Did he while at Tahlequah inthe court room on the evening before this judgment was rendered in your favor, tell you that the court had rendered a judgment against you? A No sir.
Q And did you then say to him, you know fix that? A I had no such conversation with him.
Q Did you pay to D. W. C. Duncan, who was the clerk of the Court any sum of money, or agree to pay him any sum of money, directly or through any other person for any services he might render you by way of influencing the court to decide in your favor? A No sir.
Q Or for any other purpose? A No sir.
Q Did you pay him any money after that around Campbell Taylor?
A Yes sir.
Q What amount? A 20 or 25 Dollars, I don't know which it was.
Q State what that money was paid for? A For a clair.
Q What do you mean by a clair? A Clair on the public domain; he had a claim up there close to me; paid him 20 or 25 dollars for his claim he had up there by me, on the Cherokee Public Domain.
Q What did Campbell Taylor have to do with your case?
A He had nothing to do with it.
Q Did you agree to pay him any money for his services as an attorney? A No sir.
Q Did he perform any services in that case foryou as a representative of Mr. Bryant? A No sir.
Q Did you pay him any money? A Yes sir.
Q On what account? A He come to me and said he had the claim against me for Joel Bryant and wanted me to pay him the money and I done so.
Q What amount? A Hundred dollars.

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Q [illegible] paid to him? [illegible] I [illegible], Joel Bryant. He was to collect it from Joel Bryant.
Q Did he pay that money to Joel Bryant, that you know of? A Joel Bryant claimed he didn't, and I had to pay him again, paid Joel Bryant the hundred dollars we owed him for his fee; E. Duncan paid Joel Bryant; after that; we never could get that money from Bell Taylor, and this twenty dollars or twenty-five dollars; that is all we ever got back from him.
Q How did you get that 25 dollars out of Mr. Duncan? A I kept after him and telling him to pay that money back to me, he rendered no services to us at all and the money was to go to Joel Bryant, and I finally worked out the twenty or twenty-five dollars, that is all I ever did get back.
Q The amount that he paid to Duncan? A Yes sir.
Q Was this money paid to him, this one hundred dollars, while you were there at the time the judgment was rendered, or was it sent to him afterwards? A I think it was paid then, as well as I remember about it.
Q You think it was paid then? A Yes sir, that's my recollection now.
Q Did you send him one hundred dollars after you got home from there, subsequent to the rendering of that judgment, after it was rendered I mean, directing him to pay fifty dollars of that or any of it to you to D. M. C. Bryan? A No sir.
Q Did you send him a second one hundred dollars with such direction? A No sir.
Q Mr. Duncan, do you know about what it cost to your family to obtain this citizenship in the Cherokee Nation under this judgment? A Pretty near as it I do.
Q Well about what was it? A About five hundred dollars, pretty near 500 dollars. That is what I considered, I was beat out of some of my money, what I was beat out of and expenses.
Q Now take a statement of what that money was paid for and how, so far as you remember, itemize that now? Well the first fifty dollars Norwood got; the next fifty dollars Bryan got; that was the attorneys fees; I speak of the attorneys fees now; the next money was the hundred that Bell Taylor got; the next attorney fees was Bryant's one hundred dollars.
Q Was that all the attorney's fees? A I think it was, no, wait, I paid Ross 15 dollars for taking Baker's deposition.

Q Which Ross was that? A The old Chief, Will Ross I think is his name, William P. Ross.
Q He then, this Chief William P. Ross for taking the deposition of Dr. Baker charged you fifteen dollars? A Yes sir.
Q Do you know or that that he acted as your attorney or examined it? A Yes sir.
He examined him before the Commission, to his statements.
Q What other attorneys were there present? A None of this was present.
Q Well now, go on? A Why the expenses of taking Dr. Baker and he was a Doctor, as well as I remember he charged me 5 dollars a day and I wore time and his expenses down there; we come through in a hack from Berryville, Arkansas, to Tahlequah, and my board and expenses amounted I think we about 75 dollars that trip; something near it. Maybe a little over that.
Q Did you pay him a per diem? A I paid him five dollars a day for his time and then his expenses.

Q Well? A Well I made several trips out here at different times, to Tahlequah before the Commission, and back, three or four trips as well as I remember now, cost me 20 or 25 dollars each trip, as I remember about it.
Q Do you remember how many trips aside from the one in which you brought Dr. Baker? A No, I think there was probably three trips I think it was, maybe more, and then I made one trip to Claremore to see A. H. Norwood.
Q What did that trip cost you? A I don't remember what it cost; I went in a wagon down there.
Q You went through and employed Benge, went by railroad; what did that trip cost you? A I don't remember what it was, whether it was 21 dollars or 31 dollars, one or the other, I don't remember which it was; Joe Dawson, my brother give me the money, it was either 21 or 31 dollars.
Q Now then is there any other expense that you know of that was paid by you or your family, any members of your family, other than that you have mentioned? A I don't remember any other now; I can't call to my memory right now.
Q What was the condition of the members of your family generally now, financially, at that time? A Well we were considered poor people; I don't know, we didn't have much money, scarcely any.
Q Was there any one of them that was better off than the others, and if so, which one? A I suppose Albert Dawson was better off than the others, Buck Dawson.
Q Do you know how much Buck Dawson paid of these expenses? A I don't think he paid, he paid the Benge debt and the Bryant debt, I think it was.
Q That is one hundred and fifty dollars? A Yes sir, that he gave up on one trip and I don't remember with Joel Bryant was Clerk of the Court before this Tehee Court, I don't know what that cost him.
Q Came up here and took some testimony? A Yes, came up here went back to Texas. Filed his claim and took some testimony and went back to Texas and I haven't seen him.
Q Did that testimony include Dr. Baker's testimony? A No sir.
Q You know how many witnesses were examined then? A I only know what he told me.
Q How many? A Four witnesses.
Q You know whether they were residence of the Cherokee Nation or not? A He told me they was.
Q Were you present on that trip in which he came there and took that testimony? A No, I met him there and then I went back home and left him at Tahlequah.
Q He had taken the testimony before you left him or afterwards? A He taken it afterwards; that was my understanding.
Q Did Buck furnish only the one hundred fifty dollars that you now remember? A I think it was.
Q And the expense of taking these witness up there A Yes sir.
Q Who else furnished money now of the members of your family? A My brothers and father lived down in Berryville, me and my brother-in-law, Blassingame, we all chipped in together a few dollars from each family.
Q You heard the statement of C. C. Brought that in June 1907 you told him that it had cost you 700 dollars, did you make any such statement to him? A I never did.
Q And that you paid one witness 300 dollars? A I never made any such statement.

Q Did you pay any witness any such sum? A No sir, I paid Dr. Baker for his time; he said his time was worth 5 dollars a day, sir, and I paid it.
Q Did you pay any other witness any more than that? A No sir, he was the only witness I had on down there in my case.
Q Well the Robert Dawson case? A Yes sir.
Q He says that you told him this in your house there on your place, did you have any house there in June 1883? A I was not living on my farm at that time.
Q Did you have any farm? A Didn't have any.
Q When did you build a house there? A I built a house on the farm I live in now by Mr. Brought, I moved on the farm the last of July, 1883, and I camped in my wagon.
Q What did you do? A I went to the timber and cut poles and logs and put up a log cabin on the place for a spring near Mr. Brought.
Q About what time did you finish that house? A I was in September.
Q How soon after you finished that house until you brought your family out? A I finished it up and got it covered and the floor in it and I went back to Eureka Springs after my wife.
Q What family did you have then? A I had my wife and she had one child; but my oldest children, by my first wife were with me in the Territory, camping with me; three little boys and one girl were with me, and one girl back in Arkansas.
Q Are you and C. G. Brought on good terms? A No sir.
Q What has been the character of the trouble between you? A Trouble over our places first started it.
Q When did it begin? A As soon as I got back from Arkansas he commenced kinder crowding me out to take my farm away from me, and we have been in a racket ever since.
Q Then his statement that you were on friendly terms, is it correct or not? A No sir, it aint correct.
Q He and you have never been friendly as neighbors then since you first came back from Arkansas and settled in the Territory? A I don't remember ever being in his house; I never was in his house.
Q Have you had law suits with each other? A Yes sir.
Q How many? A I don't know that we had any particular law suits, but I have had law suits and he has been a witness against me.
Q What was your last trouble with him, when I mean? A Along last fall.
Q That was when your boys had a little racket and he had your boy arrested? A Yes sir.
Q What was the age of those boys? A Eleven years old.
Q He had him arrested down at Vinita? A Yes sir, had him arrested and carried before the Commissioner at Vinita.
Q He was discharged on account of his age? A Yes sir.
Q Buck Dawson is dead is he? A Yes sir.
Q How long has he been dead? A Three years, little over three years.
Q And James Dawson is dead? A Yes sir.
Q Is your father, Robert Dawson living? A No sir.
Q When did James Dawson die? A I don't remember, been dead several years, I don't remember how long, 6 or 7 years, I couldn't state.
Q When did your father, Robert Dawson die? A I believe it was in '87 as I remember now, I wont be positive.
Q Had all these moved to the Cherokee Nation before their death?
A No sir, father died in Arkansas.

Q Those that lived here in the Nation they lived here in the Nation but went back to Arkansas and died there? A Well the rest of my folks all lived here. That was James Dawson and Buck Dawson.
Q Robert Dawson, your father, never did move to the Territory, did he? A No.
Q Did you hear the statement of the witness Beavert this morning, that about the time of hearing of the James Dawson case, at a negro church at night James Dawson came down there with someone else was introduced to him, and he loaned him ten dollars; did you hear that statement this morning? A I heard the statement, yes sir, I heard it.
Q He says that man James Dawson was 35 or 40 years old; was there any James Dawson living belonging to your family at that time of any such age? A No sir.
Q How many James Dawson's were there belonging to your family? A There was my uncle James Dawson and a brother James Dawson, the Doctor here.
Q How old was your brother James Dawson then? A He was a tolerable old man, I don't know his age.
Q About what age? A Just have been 60.
Q Between 60 and 70? A Yes sir.
Q What was the age of your brother James? A At that time?
Q Yes sir, in '84? A In '84 I suppose he was about 18, something like that.
Q Had he anything to do with the James Dawson case? A No sir.
Q Was he present at the time that the James Dawson case was under consideration? A No sir.
Q Was James Dawson, your uncle James Dawson, present at any time during the consideration of his case? A No sir.
Q He never was present? A No sir, if Uncle Jim Dawson was ever in Tahlequah I never knew it.
Q Who conducted the prosecution of the James Dawson case before the Cherokee Citizenship Commission, who conducted it? A The James Dawson case?
Q Yes sir? A I think James Low and Bill Jackson and Campbell Taylor.
Q Were you acting with them? A Yes sir.
Q They employed Campbell Taylor? A Yes sir.
Q Then there was no James Dawson present during that session of the Commission? A No sir.
Q What was the condition of James Dawson's health at that time? A It was pretty poorly; was not good.
Q Was he at that time able to get about and attend to business? A I don't think he was.
Q Was he not a very feeble minded old man at that time? A Yes sir.
Q Regarded as rather a silly man was he not? A Yes sir.
Q Did he attend to any kind of business of the family at that time? A No sir, didn't.
Q What was his financial condition? A Pretty bad.
Q Did he have any money? A No sir.
Q Did he have any property? A None hardly at all; horse probably, or a cow or two, something that way.
Q Was that about all the property he had? A Yes sir.
Q How about the other members of his family that were admitted at that time; what was their financial condition? A They were in poor circumstances.
Q Now then after these judgments were rendered what members of your family removed to the Territory, Cherokee Nation, I will say? A Robert Dawson and family and James Dawson and family, that is, their old and their children.

Q Robert Dawson didn't remove here? A No, I said except Robert Dawson.
Q Did all the members of Robert Dawson family move here? A Yes sir.
Q Except himself? A Yes sir.
Q And all the members of Jules Dawson family? A No, not all the members, Melvina Low I don't think ever lived here.
Q She has never moved here? A No sir.
Q Well all the members of your family, your father's family included in that judgment of the Committee, rendered January 11th, 1907? A All but one.
Q That was the name of that one? A Mina.
Q A daughter? A Daughter of Robert Dawson.
Q Your sister? A Yes sir.
Q Was she then of age or was she a minor? A I think she was a minor, as well as I can remember.
Q Was she afterwards admitted to citizenship in the Cherokee Nation? A She was.
Q By a Commission or by the Cherokee Council? A She was first admitted by the Spears Court, her and two of her neices.
Q What were their names? A Katie Vernon and Verna Fishback.
Q What became of that? A The certificate papers they got was lost, and they went before the Council in 1894 andthey was readmitted back by the act of Council.
Q That was in 1894, the Cherokee Council admitted, re-admitted as it may called it, the three above named? A Yes sir. Mary and Verna Fishback and Katie Vernon, they have now the same names now except Vernon, is is not. Bob Robinson married the widow, a neice of mine.
Q Now then is there any other consideration of the Dawson case by the Cherokee authorities except and that aside from these two admissions in '87 and '94 admitting the two families of Robert and Jules Dawson, and the act of Council of '94 admitting these three that you have just named? A Yes sir.
Q When? A My two of my sons was placed on the roll by the act of Council in 1892 I think it was left off of the rolls in per capita payment and they was placed on the rolls I think, and so although ready of Council, got their draft or checks for the money.
Q Have you got that copy of the act of Council admitting them? A Yes sir.
Q Where is it? A (Produces papers.)

BY MR. SCHOFIELD: We offer in evidence an act of the Cherokee National Council making an appropriation of $1,[illegible] dollars belonging to the general fund for the payment of certain persons therein named a per capita payment, as per amount set opposite their respective names, provided that the Principal Chief shall draw warrants for such amounts, and further provided "That the names of the persons appearing on the per capita rolls in this act shall be placed (on) the authenticated roll of 1880 by the Principal Chief."
This act was approved December 21, 1891.
Approval signed by Stephen Tenee, Assistant Acting Principal-
In this list appear the names of William R. Dawson for payment of $13.70, and of Marion Dawson, for a like sum. Are these the names of two of your sons? A Yes sir.
(This paper above introduced, is filed and made a part of the records in this case.
Q Was there any other action of the Cherokee authorities relating to members of your family? A Yes sir.

Q When? A In 1894.
Q What was that? A Allowing them their Strip money.
Q Have you a copy of that? A I think I have. (Produces papers.)
BY MR. McKENNON: We offer in evidence a duly certified copy of an act of the Cherokee National Council approved November 24, 1894, signed C. J. Harris, Principal Chief. Senate Bill No. 19, appropriating a sufficient amount of money to make payment per capita of what is known as the strip money to certain persons named therein. Among them are members of the Blassingame family, as follows: Jane, Elbert, Henry, James Ross Lennie, Pearl, Amos, Myrtle, Minnie and Clifford; this act mentions these persons as Cherokees by blood, and whose names had been left off the pay roll approved May 5, 1894, providing a payment to each one of these a sum of $365.70.
Q Were these members of the Robert Dawson family? A Yes sir.
Q Which one of the members of the family? A Jane.
Q This is Jane who was admitted by the judgment admitting the Robert Dawson family? A Yes sir.
Q And her children? A Her children, was not admitted, she was admitted.
Q I mean this mentions her children here? A Yes, that mentions her children.
(The paper last above introduced is filed and made a part of the record in this case.)
Q Do you know whether the payment of the Cherokee Strip money was to Cherokee citizens by blood only or not? A Yes sir.
Q Was there any other act of the Cherokee authorities passing upon the citizenship of members of your family? A Why the Douthett children, my brother's grand-children. Two grand-children of R. Dawson.
Q When was that? A That, I think it was in '84.
Q Have you got a copy of that act? A No, the record is here.
Q Was that by the Spears Court? A Yes sir, by the Spears Court.
BY MR. McKENNON: We now offere in evidence a judgment of the Cherokee Commission on Citizenship, 1880 and 1884, found on page 190, case No. 181, dated September 9th, 1884, signed by Eli Spears, President, John Lee and Andrew Young, Commissioners, admitting to citizenship Lula Douthett and Dallas Douthett as Cherokees by blood.
Q These two are the Douthetts to which you refer, are they? Yes sir.
BY MR. McKENNON: Attention is called to the fact that the names of the Commissioners are all signed in the same hand-writing as the record of the judgment.

The said judgment record above introduced, and found on page 190, No. 181, record of 1880 to 1884, is as follows:

"Office of Commission on Citizenship,
Tahlequah, Cherokee Nation, September 14th, 1883.

E. Dawson, for his grand-children, No. 181.
Lula Fauthhitt,
Dallas Dauthitt,
vs
The Cherokee Nation.

C. H. Taylor, Atty for Claim.

Petition filed September 14th, 1883.

Case submitted by claimants Sept 14th, 1883.
Case submitted by Solicitor, Sept. 19th, 1883.
Continued by Petitioner Jan 22 1884 to September Court 1884.
Re-submitted September 2nd 1884, by Attys Taylor and Seevert

Submitted by defence Sept 9 1884.

And now on this the 13th day of September 1884 comes this case for final hearing and all the evidence in the case having been carefully read, and considered by the Commission on Citizenship it has been decided by the Commission that the above named Lula Daufhett and Dallas Daufhett are Cherokees by blood, and that they are entitled to all the rights and privileges of Cherokee citizenship in the Cherokee Nation and that they should be, and are hereby admitted to the full and complete enjoyment of the same in all respects, as native born Cherokees.

Wm Sparks, pres.
John Lee,
John L. Adair, Andrew Young,
Clk Com'n. Commission on Citizenship."

Q Now were there any other actions of the Cherokee authorities of like character relating to the members of your family?
A I don't remember of any others.
Q I will ask you if when the Cherokee authorities were making the roll of 1896, in compliance with the request of the Dawes Commission for a roll to be prepared by them for the use of the said Commission, the question of the citizenship of the members of your family was not then raised and an investigation had in regard to it? A Before the Dawes Commission?
Q No, before the Cherokee Commission making the roll of 1896, of which John T. Gunter was a member? A Yes sir, yes. I had forgot it, but since you have named it there was some investigation of them at that time; this is what I understood.
Q That roll shows that the members of your family were duly enrolled by the Commission? A Yes.

Q Have you and the other members of your family since your removal to the Territory in 1883 and immediately following been recognized as Cherokee citizens by blood? A Yes sir.

Q Have you been exercising and enjoying all the rights of Cherokee citizens by blood since that time? A Yes sir.
Q You and all the members of your family are living in the Cherokee Nation? A Yes sir.
Q You have all drawn Cherokee moneys whenever payments were made?
A Yes sir.
Q And have you all male members been voting at the Cherokee elections or in the Cherokee elections? A Yes sir, I was one of the judges of the election that was held voting on the treaty.
Q What treaty? A The treaty bill that was sent back here for the Cherokees to vote on; I was one of the judges at Afton.
Q In what year was that? A I believe it was last April, sometime, last April.

Q Have any of you held any offices in the Cherokee Nation? A Yes sir.
Q What offices have the members of your family filled? A Deputy Clerk, under Pete Hastings, when he was clerk of Delaware District, I was a candidate once for Council in the Downing Party.

Q Can any office of deputy clerk be held by any one else except a recognized citizen? A Only by a citizen, yes sir.
Q Is that all? A (No reply).
Q Have the children of members of your family attended the public schools, and been educated in Cherokee schools? A Yes, sir.
Q Have the members of your family been all the while subject to the jurisdiction of the courts of the Cherokee Nation? A Yes sir.
Q Have they been tried for any offences against the law? A Yes sir.
Q And have they instituted their civil suits in the courts of the Cherokee Nation? A Yes sir.
Q And had suits instituted against them in such courts? A Yes sir.
Q Some of them even have gone to the Supreme Court of the Cherokee Nation? A Yes sir.
Q And were passed upon by it in civil? A Yes sir.
Q Is there anything else? A Nothing now; I am sick this evening; I have got a head-ache so bad I can't hardly see.

BY MR. MITCHELL:

Q Do you know your father Robert Benson died, he died? A I don't know, I couldn't say on that.
Q He was a very old man? A Yes sir, he was getting tolerably old.
Q Did you tell how much older he was than you? A No I don't know.
Q Mr. Joseph Benson in 1834 would have been a very old man, wouldn't he? A He was very old and he was feeble.
Q Well you stated that he had been so silly; was he naturally that way? A He used to live in Texas; I didn't know him until after he came to the Territory.
Q I see he had gotten so old, what was the occasion of that? A I suppose so, the oldest one of these children was Mrs. Betty Baker, that's my understanding.
Q And the oldest boy was John Benson? A We always called him Jack.
Q John Benson he was the oldest? A Yes sir.
Q Sam was the youngest? A Sam Riley.
Q He was the youngest one of the crowd? A Yes sir.
Q Your father lived four or five years after he said you were entitled to citizenship? A Yes sir, something about that, it was in 1.7, I think he died in 1837, I won't be positive; that is as near as I remember now. I have got a headache so bad that I can't remember anything.
Q Now none of the older members of the family were ever present at any of these trials of citizenship? A No sir, not a one of them.
Q Not a one of them was ever called upon to testify as to the blood of their mother, who she was or anything about it? A I don't think they was.
Q Your claim of kinship was through Captain John Rogers and that your grandmother was the half sister of Big Joe Vann, wasn't it? A I don't know, I couldn't answer the question.
Q You were there when they took the testimony? A I was there when Dr. Baker's testimony was taken, that was about 16 years ago.
Q And nobody kin to the Rogers and Vanns was ever called to testify in the case? A Not as I know of.
Q They were very well known Cherokee families in the country? A I suppose so, I don't know.
Q And yet nobody on any side of the family connected with it was ever called to testify? A Not that I know of, I don't know what my brother done, he taken some of the evidence at Tahlequah which I was not there; he first filed his claim.

Q You had spoken to Dr. Baker about the testifying before you brought your case didn't you? A No sir.
Q Must have been a short time afterwards? A It was a short time afterwards. I went back after him and it was too late and I fetched him the next time.
Q You had talked to your brother about what you could prove by Dr. Baker? A I told him I thought Dr. Baker, I thought he knew about our folks.
Q You had told him in general way you expected to use Dr. Baker as a witness? A Yes sir.
Q You went off, come to Arkana and left your brother at Tahlequah after you told him that fact? A Yes sir.
Q You didn't see your brother any more until after you were admitted? A No sir.
Q You and he however made trips back and forth to Tahlequah and here at different times, but you didn't happen to get together? A No. I never met him any more and I don't know that he was there until after we were admitted.
Q But you were there and brought Dr. Baker over? A Yes sir.
Q And took his testimoney a year or such a matter before ever you were admitted? A I think as well as I remember, yes sir.
Q Now the way you came to get Campbell Taylor was on the recommendation of old man Bryant? A I didn't get him, didn't use him.
Q The way he came into your case? A The way he claimed to come in.
Q He did more in your case than Bryant did? A Campbell didn't do anything.
Q What did Bryant do? A I think he help my brother take evidence my brother employed him.
Q How did you happen to be sending money by Campbell to Mr. Duncan? A I never sent him any money.
Q Then when he, Mr. Duncan, states that Campbell delivered the money as Campbell said he did, both were wrong? A Oh no, you are mistaken, Mr. Duncan got 20 or 25 dollars, which he stated, from Campbell Taylor, for me.
Q How did you happen to give it to Campbell? A I give the money to Campbell to give to Joel Bryant, and he wouldn't do it, and I tried to get the money back from him, and I finally worked the 20 or 25 dollars he gave to Duncan.
Q Then you didn't tell Duncan as he testified that you sent 20 or 25 dollars by Campbell Taylor? A Campbell Taylor agreed to pay Duncan 20 or 25 dollars for me of the money I give him to give to Joel Bryant.
Q The family kept Campbell Taylor employed though as their attorney after that? A In the James Dawson case I think so.
Q E. Dawson, you remember, had him for his grand-children? A That is my understanding.
Q And your uncle James Dawson had him in the case of his children? A Uncle James had nothing to do with it; James Low and Bill Jackson got him; that was my understanding of who employed him.
Q The record here shows that the case was originally instituted by C. E. Taylor and was finally submitted by him September 2nd, 1884, in the James Dawson case? A I don't deny him being in that case.
Q You say he was employed in the E. Dawson case? A I don't know who was in the Dauthett children's case.
Q The record shows that Campbell Taylor instituted the case, and it was finally submitted by him, and Mr. Beavert, who testified a while ago? A That was in the James Dawson case, wasn't it?
Q That was in the E. Dawson grand-children? A Elbert?
Q No, in the Dauthett children's case? A Oh yes.

Q He was likewise attorney in the Mary Dawson case you say, and before the Adair court, the 4th of October, 1907, in the case of James K. P. Dawson? A I don't know anything about that.
Q And the case likewise of Riley Dawson? A I don't know anything about those.
Q They are relations of yours? A Well I couldn't say.
Q James K. P. Dawson proven to be a son of Riley Dawson? A Well if he is he is my connection then. There are so many Dawsons I don't know them all.
Q You know Andrew J. Dawson? A Yes sir.
Q The Dawsons have so many children their brothers didn't hardly know them did they? A That's it, I don't know them.
Q Well then you don't know who Andrew J. Dawson is? A No sir, I don't know.
Q He refers in his application as heir, a cousin of T. D. Dawson, and yourself, who were admitted to citizenship by the Dawes Court? A He may be, I don't know nothing about it.
Q He resided I believe, at that time at Nevada, Missouri? A I don't know anything about their people.
Q Old Man Baker was an old and paralyzed man at the time he testified wasn't he? A Getting old, he was not paralyzed.
Q Then the statement made that the reason he couldn't write his name and had to make his mark, because he was paralyzed, in the testimony isn't that true? A He didn't have good use of his fingers.
Q Then he was not paralyzed? A No, I brought him over there in a hack from Bonnyville, Arkansas.
Q Well I say he was a very old man? A Yes, getting old.
Q Now didn't you come to this country and commence your farming work on it some time before you brought your family? A Yes, I brought my family with me, except my wife.
Q And you subsequently built a log house on it? A Yes sir.
Q And went back and got your wife and moved them to the log house? A Yes sir, went to Dardanelle and got my wife.
Q You never saw your grandfather at all? A Say Dawson, you see, I answer.
Q You remember do you of ever, with his mark of one at all? A I was in Texas in time of the war, with my uncle Riley Dawson, and he was there.
Q In '60 sometime? A '62, I reckon, or '63. Some here about there, in the time of the war.
Q How old a man was he at that time? A Pretty old man.
Q You never saw your grandmother, she died before she came?
A Yes sir, I never saw her at all.
Q Who first started the citizenship matter, your brother in Texas or you? A Why it was me, and my brother together.
Q I mean who first conceived the idea? A I first commenced talking about it.
Q And sent down for him? A I was in Texas with him and then in Arkansas; I went backwards and forwards a time or two after the war.
Q About that time nearly everybody in Arkansas were trying to get some claim of kinship to Cherokees? A No sir, not at that time.
Q They were getting pretty thick in there in 1880? A Well in 87 and '4 and '5 I think.
Q Been some excitement over there to get yourselves on the rolls?
A Just got to be everybody; but it wasn't at the time we were admitted there was not much stir about the rights here.
Q Well the Watts had been admitted before that? A I suppose they had; there was not much excitement over the Watts claim at that time.

BY MR. HASTINGS:
Q You did locate and board with Sam Shables when you first cor to Tahlequah in '81? A I think I did.
Q Your brother Buck Dawson stayed there also? A Yes sir.
Q Sam Shables lived in the north end of town, old German? A Yes sir, old German, lived in the lower part of town.
Q Did you ever hear the names of any other witnesses which you stated perhaps testified in your case? A I have heard them but I have forgot them.
Q You don't recollect any name now? A I don't remember them now sir.
Q In the Irene House case and Joanna Barber case, in which you testified before the Commission, when you were making search for this testimony you couldn't find any other testimony from that of record except the Dr. Baker testimony, could you? A That's all we could find; no we didn't find the testimony, we got a copy.
Q Well it must have been a copy of the original, the certificate shows that? A I don't know; House got a copy of what claimed to be the affidavit of Baker and he told me to give it to him; that is all I know about it.
Q Well the certificate there does not bear my certificate does it? A I don't know about that, I am no scholar.
Q Well you didn't get the testimony of any other witnesses except that of Dr. Baker; you couldn't find any other over there of record? A I didn't hunt for any; House hunted for them.
Q None of you have ever been able to find any other? A No. Not even find our petition.
Q Samuel P. Dawson applied to what is known as the Adair Court, didn't he? A I don't remember now.
Q He was an uncle of yours wasn't he? A Yes sir, claimed to be.
Q The father of these two parties who testified here this morning? A Well I don't know, they claimed to be, I never met them we like them.
Q He was rejected by the Adair Court, or Hayes Court? A I don't know whether he filed his petition.
Q Did you testify in his case? A I don't remember; I might have dont it.

Q Didn't you testify in the Andrew J. Dawson case before what is known as the Hayes Court? A I don't recollect, if I did I don't remember.
Q Did you testify in the Riley Dawson case? A No sir, not that I remember.
Q Didn't you know of his being rejected by that court? A I don't remember, sir.
Q You know that the Cherokee Council never authenticated the roll of 1896, don't you? A No sir, I don't know it; I didn't know this was done until I went to Tahlequah after some papers and come back and they told me about it.
Q You never found out that C. H. Taylor was a big rascal up until the present time have you? A (No response)
Q The records here show that he has been in the constant employment of your family from that date up to this time? A Why it shows here from the record; I would rather be excused from my part of it.
Q You were the man that had the most to do with it? A I never employed him, I can say that.
Q You are the man that had most to do with the records? A In my case and in my father's case.
Q Didn't you testify for your uncle Jim Dawson? A Yes sir.
Q Wasn't he attorney for him? A Yes sir.

Q Wasn't he employed by Jim Dawson after you got your citizenship?
A Why not but the grand-children.
Q Jim Dawson's petition was filed in September 1883, after yours?
A Yes sir.
Q C. H. Taylor, attorney of record, filed his petition? A He might have filed it for all I know.
Q Well you hadn't at that time fallen out with C. H. Taylor had you? A Why no, we never did have any trouble, only over his money, he never would give it back to me or give it to Bryant.
Q You never discovered that he was such a bad man until after your judgment was rendered? A I know he was not of good character.
Q Are you and Brought, this man who testified for the Cherokee Nation, on speaking terms? A Hardly speak.
Q Does he refuse to speak to you? A So etimes he does.
Q Do you refuse to speak to him? A Yes sir.
Q Have you been speaking to him for the last two or three months? A I have not spoke to him until I met him there at the hotel the other day.
Q First time you spoke to him since he had the boy arrested? A Yes sir.
Q When did he have the boy arrested? A Alen in September or October, September I think.
Q When did Dr. Baker die? A I don't remember.
Q You don't remember how much older your father was than you? A No, I don't know.
Q What is your age? A I will be 60 in May.
Q Then you were born in '42? A Yes sir, '42 according to the record.
Q Was your father as much as 25 years old when you were born? A I couldn't say.
Q What was your best judgment? A I suppose he was 20 or 25 years old. My understanding he married young.
Q Can't you give any better idea than 4 or 5 years of your father's age? A I say 25.
Q Your father was born say, 25 from 42 would have made him be born in 1817; now had your father any older brothers or sisters? A I think Jack Dawson was the oldest of the family, no, Betty, the girl, was the oldest and Jack next, and such by father as well as I remember about it.
Q There were two girls older? A No, one of the girls I never saw.
Q Then you think there are only 2 older than your father? A Yes, that's my understanding of the family.
Q Dr. Baker gives his age 72 in '82, which would make him be born in '89, now he states that when he was 15 or 16 years old, which added to 1809, would make 1824, that your grandmother Anna Priett, was a school girl; whereas from your testimony and that of the family history introduced here shows that your grandmother Anna Priett was the mother of seven children, the youngest being born in 1827, how do you reconcile that? A I don't remember about the statement of Dr. Baker; I don't know that he made such statement as that, I don't remember about it.
Q And if he did you don't know how to reconcile it? A (No response.)

Q Did you talk to any of the members of the Court that admitted you? A No sir, I was not acquainted with them.
Q You know whether they were old or young men? A They were old men like; Steve Tehee, I got acquainted with him afterwards, and Tobe Thompson, at the Council you know I was there a good deal.

Q That was the fellow that was on the Court? A Yes sir.
Q He was afterwards assistant Chief of the Cherokee Nation?
A I think so.
Q Steven Tehee, that's the man you had reference to? A Yes sir, I think it was, I just knew the man; I had no acquaintance with him at all.
Q D. F. C. Duncan boarded when you were down there at the National Hotel? A I think he did, as well as I remember now when we were admitted.
Q Don't you know he did? A I think he did, as well as I remember.
Q Were not you over there to his room ?AI think I was.
Q You remember when it was that you brought Dr. Baker down there to make a statement before the Court? A It was in January, Tex., Was in January Term of 1882 I believe, it was, as well as I remember about it.
Q Well you didn't take any more testimony after Dr. Baker testified?
A No sir, I didn't.
Q But your case was not submitted or passed upon for a time?
A I think it was, yes sir, as well as I remember.
Q I would like to ask you when the Blasingame family came to the Cherokee Nation? A Alex Balsingame came with me when I moved here, and went back and got his family and moved that fall.
Q Did he move his family here that same fall? A Yes sir.
Q What year was that? A In the fall of '83 I believe it was, as well as I remember now.
Q When did the Bulaska family come? A I think the girl and the old lady come in the next spring.
Q How long did they remain that time? A The old lady stayed here, but the girl went back and in a short time her and her husband came back.
Q Did she come back until after her marriage? A No, she was married when she come first.
Q The last time? A She was married I think, she was married when she come out.
Q How long has August Bulaska been a permanent and continuous resident of the Cherokee Nation? A I think he came there in the fall of 1884 or 1885, I won't say which.
Q How long has Robert Pierce been a continuous resident of the Cherokee Nation? A Ever since he was admitted.
Q When was that? A '83.
Q How long has Martin L. Patterson? A Ever since he married his wife, and he was living here before he married his wife.
Q Who is Arizona Airey? A That is my daughter.
Q Did you bring her with you? A No now when I moved.
Q When did she come? A She came out in a year or two after I moved here.
Q Was she married when you moved here? A No sir, she was not married.
Q She was not married when you were admitted? A No sir, she was a child.
Q When did Jim Love come to this country? A With his grandfather, James Dawson.
Q What was his mother's name? A Melvina Dawson.
Q You know Jim Love's age? A No sir.
Q Don't know how old he was in '83? A No sir.
Q Was he grown? A I think he was.
Q Married? A No no.
Q Married in this country? A Yes sir.
Q Who is James H. Hanson? A Married one of the Jackson girls.

Q When did they come to this Country? A Right away after they was admitted.
Q In what year? A I think the winter of '94, I think it was, spring or winter of '94.
Q You know Gideon Graham? A Yes sir.
Q Who is his mother? A Missouri Ann Graham, formerly Missouri Ann Dawson.
Q Did he come from Texas to Arkansas? A Come from Texas.
Q Did you know them in Texas? A I knew the girl.
Q You never know the until they come to this country? A I never knew Gid.
Q When did you see him here? A I think they come here in the fall or winter of 1894 or '5.
Q He was married then? A I think he was.
Q Brought his wife? A I think he was, I don't know.
Q Did he have any children when you first saw him? A He come to my house and I never saw his family for-I don't know, for several years.
Q You understood he had a family? A Yes sir.

BY MR. McKENNON:

Q Did you mean to say '84 or '94? A '84.
Q Did you see Gid Graham in '84? A '84, let me study, '84, '85. BY MR. HASTINGS:
Q Did you see him in '85, are you positive on that proposition? A I think so.
Q Will you swear it? A No sir, I wont positive swear it, but I think it was, as I remember on it was; I couldn't say positive.
Q All the people Mr. Dawson that have been admitted to citizenship by courts of competent jurisdiction unless they were de-citizenised by courts of acquired jurisdiction, enjoyed the same privileges that you have narrated here about going to school and being tried in the courts? A Yes sir.

Q All that sort of thing that you have been telling here on your direct examination? A Ask me the question again.
Q I say all people who were admitted here by courts of competent jurisdiction, until they were de-citizenised by courts of like jurisdiction, enjoyed the same privileges that you did? A So far as I know they was.
Q They all drawed money and all tried in the courts as long as we had tribunal courts, were they not? A Yes sir, so far as I know.
Q There was no special privilege granted to you in preference to anybody else? A None but recognized citizens of the Cherokee Nation.
Q Well you had been recognized since you were admitted? A Yes sir, I enjoyed the same privileges of native born Cherokees.
Q Well I say there is nothing special about it? A No, I don't know as there is.
Q You got acquainted with Mr. Duncan while you were up there during the hearing? A Yes sir, I was acquainted with him, knew him, when I saw him.
Q Mr. Bill Ross did the examination of Dr. Baker? A Yes sir.
Q Did you file any other paper before the Court other than your petition and then Dr. Baker's statement? A I never filed any petition there at all.
Q None whatever? A I don't remember any.
Q Well you never had occasion to file any papers before Mr. Duncan? A I got him to do some writing for me.
Q What? A Letters to my brother in Texas.
Q Buck Dawson? A Yes sir, E. Dawson.

Q That? A Yes sir, Buck Dawson.
Q Well is that all he did for you? A I don't [illegible] about it.
Q Why didn't you get your attorney to do that letter writing? A There was not any there.
Q Taylor nor Benge was not there then? A No sir.
Q That is what you paid the 20 or 25 dollars for, was writing this letter back to your brother? A I paid him for that claim.
Q When did you pay that? A I think I paid it, I don't exactly when, Camp Taylor paid it a year or two after I [illegible] out here and settled where I did; might have been 2 years. I don't [illegible].
Q There was Duncan living then? A I couldn't say [illegible].
Q Was he still clerk of this Court? A No sir, [illegible] was paid; that is, when Camp Taylor [illegible] paid it.
Q You did send Camp Taylor some money? A I sent some [illegible] for Joel Bryant.
Q You knew Joel Bryant's address didn't you? A No, I don't know that I did, No I didn't send Camp Taylor any money, I gave it to him.
Q How much did you give him? A One hundred dollars.
Q When? A Right at that time; he claimed it [illegible] we got our papers; he come into Le and charged it for Bryant.
Q You never sent him any then after that? A No sir.
Q Did you ever see Bryant after that? A Yes sir
Q How long after that? A I don't know, a year or two afterwards. a year I believe, my brother wrote, I wrote to my brother about paying Camp Taylor money and he went over my brother about it and he never paid him until we moved out to this country.
Q After all that you got him to attend to your uncle Jim Dawson's and the other relatives cases? A The other parties did.

BY MR. McKENNON:

Applicants object to all that part of the witness' evidence in response to interrogatories by [illegible] relatives of the Cherokee Nation which relates to the character of the evidence upon which the judgments admitting [illegible] James and Robert Dawson families were admitted, and to the history of the members of the Dawson family, because [illegible] is immaterial, incompetent and irrelevant.

BY M. McKENNON:

Q One question I omitted to ask you Mr. Dawson, as to the [illegible] the time the judgment admitting Robert Dawson's family was rendered, who of the judges were present on that day? A They was all three of them, Wolfe, Tehee and Thompson.
Q Are you positive of that fact? A Yes sir.
Q You do not know this Andrew Dawson family who applied to the Dawes Commission for Cherokee citizenship, and who stated that they are cousins of some members of your family? A Andrew?
Q Andrew J. Dawson, who claims to be from Missouri? A No, [illegible] the question?
Q You do not know them do you? A I don't know that they are any kin to us.
Q You don't know that they are related to you at all? A No sir.
Q This Mary Dawson case, do you know the members of that family? A No sir, I don't.
Q Don't know who they are? A No sir.
Q The Rebecca Dawson case? A I don't know her either.
Q You don't know whether they are related to you or not? A No sir.
Q If any of these persons are related to you or your family did you have any knowledge of it? A Not as I know of.

Q Joanna Barber, do you know anything about them? A They claim to be kin to us.
Q Where are they from? A They are from Texas.
Q Do you know they are related to you? A They claim to be kin.
BY MR. HASTINGS:
Q Well you swore for them before the Commission? A Yes, they claim to be kinfolks of mine.
BY MR. McKENNON:
Q Irene J. House, who is that? A That is a cousin of mine; claims to be.
BY MR. HASTINGS:
Q You testified for her didn't you before the Commission? A I think I did as well as I remember.
BY MR. McKENNON:
Q Before the Court that admitted James Dawson McCurdy, who were the witnesses there? A Oliver Miller, from Berryville, Ark ansas.
Q Who were the others? A Myself and J. Dawson and there was two other witnesses, I don't remember who they are.
Q Were they Cherokee citizens and residents of the Cherokee Nation? A Yes sir.
BY MR. HASTINGS:
Q You don't remember their names? A Which?
Q Of these other people who claimed to be citizens of the Cherokee Nation and who were witnesses? A I said about me and J. Dawson was citizens of the Cherokee Nation.
Q You only proved that Jim Dawson was a brother of Robert Dawson before the Court? A Yes sir.
Q And then referred back to the decision in the Court before? A We proved that they were citizens, and he knew my folks before he ever came here.
Q Was he older than Dr. Baker? A About the same age.
Q Why didn't you get Oliver Miller's testimony in the House case?
Q He was dead.
Q You and no member of your family in the Irene House case or the Joanna Barber case or any of those cases that were tried before the Dawes Commission in your affidavits ever had reference to the fact that Oliver Miller testified in Jim Dawson's case in '84 did you? A I don't remember about that.
Q You did make reference to the fact that Dr. Baker testified there in '83, didn't you? A I don't remember about that now.
Q You never made reference to any other witness having testified other than Dr. Baker didyou? A I don't remember about it now.
BY MR. McKENNON:
Q Now just one other question: All of these papers in the original application and everything, so far as you know, in the James Dawson case, were filed before the Commission which admitted the James Dawson family, are lost or mislaid are they not? A I suppose they are, I don't know, I never saw them.
Q Have you tried to get copies of them? A Yes sir, I tried to get the original papers.

BY COMMISSION: This case is continued until 8:30 a.m., tomorrow morning, March 30th, 1902, it now being the hour for adjournment.

MARCH 30, 1902,- 8:30 a. m.- F. M. DAWSON again on the stand, testifies as follows:
BY MR. McKENNON:
Q Where was your brother Jim Dawson raised? A In Arkansas.

Q What County? A Carroll.
Q And in town? A Berryville.
Q Did Dr. Baker live at Berryville? A Yes sir.
Q Was your brother intimately acquainted with him for many years?
A Yes sir.
Q Did he know him sufficiently to be versed with his character and habits of life? A Yes sir.
Q Do you know Josephine Pierce? A Yes sir.
Q Whose daughter was she? A Robert Dawson's.
Q Is she the same identical woman who is called Josie Pierce, and Josie Dawson? A Yes sir.
Q Is there any other Josie Pierce or Josie Dawson or Josephine Pierce or Josephine Dawson? A I don't know, but the one.
Q She was also called Josephine or Josie Kelly? A Yes, after she married; her first husband was Pierce.
Q And her second husband A Tom Kelly.
Q There was another Josephine Dawson wasn't there, Bulah's wife? A They called her Joe, I suppose that's her name, I could not be positive; that was Rile Dawson's daughter, August Bulah's wife.
Q She is much younger than your sister, Josephine, above referred to? A Yes sir, oh yes.

BY M.R. HUTCHINGS:

Q Where were you born, Mr. Dawson? A Carroll County, Arkansas.
Q You know how old you are? A 42.
Q 42? A I think so.
Q How many older children were there of your father and mother than yourself? A Three.
Q Which were they? A E. Dawson, Elder Dawson and Jasper Dawson.
Q You are the fourth child of the fourth boy? A Yes sir, fourth boy.
Q Where were your father and mother married, do you know, from family history? A I think it was in Arkansas, I couldn't be positive. I think they was.
Q Do you know how long your grandfather lived in Arkansas? A No sir I don't.
Q Don't know what year he came to Arkansas? A Only from statement.
Q Well what did they say about it? A I think they come there in 1830.
Q You know whether your father was born in Arkansas? No any of your grandfather's children were born there? A There was one of them born in Arkansas according to history and according to that he always told me, they were born in Tennessee.
Q He came there in '30, and all the other children were born on the Hiwassee River in Tennessee, before he ever came? A That is that I think, yes sir. Now I am not positive about that. They were from Tennessee, but either Dr. Baker lived there or my folks came from there; I don't know as I remember that I ever heard my father say where he was born at.
Q In Tennessee so where; he said he was a good big boy when he came to Arkansas? A I don't know as I ever heard him say.
Q Do you know the difference in the ages of yourself and your three older brothers? A No I don't.
Q Don't know the time that comes in between you? A No I don't know that; I think it is about two years though.
Q That would make E. Dawson about eight years older than you, Probably? A Yes sir.

BY MR. McKENNON:
Q Did Josephine Pierce have a daughter who married Mr. Bogle?
A Yes sir.
Q What was her name? A I always knowed her by Dode Pierce; I don't know whether that is her right name or not.
Q What is Bogle's name? A John Bogle.
Q She is the child of Josephine Pierce who married John Bogle?
A Yes sir.
BY MR. HASTINGS:
Q Where did she marry John Bogle? A Near Afton.
Q When? A I douldn't state.
Q About when? A You have got a copy of the marriage license.
Q When did Josephine Pierce come to the Cherokee Nation? A '83.
Q Has she lived here continuously since that time? A Up until her death; she is dead.
Q Any of her children come with her at that time? A Yes sir.
Q And have they lived here continuously since that time? A Yes sir, except Bill Pierce, he went to Colorado and died.

J. C. STARR, being first duly sworn and being examined, testified as follows:
BY MR. McKENNON:
Q Your name is J. C. Starr is it? A Yes sir.
Q Mr. Starr, was that instrument taken by you, or before you? (Showing witness document.)
A Yes sir.
Q Where? A At the residence of S. H. Benge: near Fort Gibson.
Q When? A On the 15th day of this month.
Q What day of the week was that? A On Saturday.
Q Is that the day it was taken? A Yes sir.
Q Did you go there on Saturday to take this? A Yes sir.
Q Then when Judge Benge stated on Tuesday that it was taken "yesterday" meaning Monday, the 17th, he was mistaken, was he?
A It was taken Saturday, the 15th.
Q Was he mistaken or not? A It was not taken then.
Q Then his statement made on Tuesday the 18th that it was taken on "yesterday", meaning Monday, the 17th, was not correct, was it?
A I think not, because I was there, and it was taken on the 15th.
Q And it was taken on the 15th, you are positive it was taken on the 15th? A Yes sir.

Q Then of course his statement could not be correct? A I guess not.
BY MR. HASTINGS:
Q He was just mistaken about the date, wasn't he? A Yes sir.
BY MR. McKENNON:
Q Did you tell Charles T. Moore who is now present, on last Tuesday that they sent you out there on Monday to take that? A No sir.
BY MR. HASTINGS:
Q I sent you there last Saturday? A Yes sir.
Q And you went there at my direction, didn't you? A Yes sir, and come back Saturday night.

ROBERT L. DAWSON, being first duly sworn, and being examined testified as follows:
BY MR. McKENNON:
Q What is your name? A My name is Robert L. Dawson.
Q What is your age? A My age is something close to 30 years old, I am 28 past.

Q Are you a son of E. Dawson, so-called Buck Dawson?
A Yes sir.
Q I will ask you if you ever saw this letter sent with the enclosure and state whether or not you found it among the papers of your father after his death? A (Hands letter to witness to examines it) A Yes sir, I found this amongst the papers of my father. He always kept all his own papers, and I was looking over them I saw this letter.
Q Has that been in your custody ever since you found it? A Yes sir, if that's the letter that was in the envelope.
Q Well that's what it is, you can tell whether it is or not (Witness further examines letter) Q That purports to be a letter from Samuel H. Benge, does it not, to your father? A Yes sir. (Here applicants' attorney hands letter and envelope referred to to attorneys for Cherokee Nation.)

BY MR. McKENNON: I want to offer this letter in evidence in this case; it is a letter signed by S. H. Benge, attorney at law, dated Fort Gibson, C. N., Jan. 17, 1883. Addressed to Mr. E. Dawson, Esq., together with the envelope, in which it was enclosed, with the card of C. H. Taylor upon it, attorney at law, Tahlequah, Indian Territory, and postmarked Tahlequah, Ind. T., January 17.

BY MR. HUTCHINGS: The Nation objects to the introduction of this letter for the reason that S. H. Benge is living and has testified in this case, and his handwriting should be either proven or denied by himself.

G. W. BENGE, being first duly sworn, and being examined, testified as follows:
BY MR. McKENNON:
Q What is your name? A G. W. Benge.
Q Are you a son of Samuel H. Benge? A Yes sir.
Q Do youknow his handwriting? A I believe so.
Q Is that his handwriting? (Shows witness letter before referred to.) A Yes sir, it is either his or a resemblance of his.
Q To the best of your knowledge and belief is that his letter?
A Yes sir.

MR. McKENNON: Now we offer it in evidence.

BY COMMISSION: (reading letter)

"Fort Gibson, C. N.,
January 17th, 1883.

Mr. E. Dawson, Esq.,

Dear Sir:- I write this out to inform you that your case came off before the court on citizenship on the 11th inst, and was decided in our favor, so you all are citizens of this Nation. F. M. Dawson was furnished with a copy of the decision at the court. He will write to you allso. You will please send me fifty dollars as my fee in your case according to contract. Send it to Fort Gibson, Cherokee Nation.

Respectfully yours,

S. H. Benge,
Attorney at law."

Enclosed in envelope, as follows:
Card in upper corner, left hand:
"Return in ten days to C. H. Taylor,
Attorney at Law,
Tahlequah, Ind. Ter."
Addressed: "Mr. E. Dawson.

Henryetta,
Clay Co., Texas."

Post-marked: " Tahlequah, Jan 17 Ind T."

ROBERT L. DAWSON, -re-called and further examined, testified as follows:

BY MR. McKENNON:

Q Now examine that and see if that is also a paper which you found among your father's papers after his death? (Hands papers to witness) A That is the same letter that I found.

Q Among the same that you found the Benge letter? A Yes sir.

BY MR. McKENNON: This is a letter purporting to have been written by J. M. Bryan, to E. Dawson, dated at Choutean Station, Cherokee Nation, and not dated, which we offer in evidence. (Applicants' attorney hands said paper to Nation's attorneys.)

Q Mr. Bryan is dead is he not? A I think so.

BY MR. HUTCHINGS: We have no objection.

BY COMMISSION: (reads letter)

"Choutean Station, Cherokee Nation.
I. T., M. K. & T. R. R.

MR. Dawson:

Dear Sir:-

I am in receipt of your favor of the 30th inst in regard to our contract.

After I had got the claim so there would be little more to do I employed Campbell Taylor to answer for me when the case came up, for which I was to pay him $20 out of my fee.

This all the action I had in the matter with Taylor.

I saw Taylor in Washington last month, and he told me that your brother had made another contract with him, and paid him, or that you was to pay him $100- and that you had offered him a check on some bank in Texas.

That $100- matter with Taylor, I have nothing to do with, nor couldn't have if I wanted to.

I hope Mr. Dawson this letter will explain the matter fully.

And I am satisfied that you are apprised of the earnest work I done for you, Please write to me.

Very respectfully,
Very truly,
J. M. Bryan."

Q I will ask you if you know of your father having paid Bryan that money? A Yes sir, paid him a horse and some other money.

BY MR. HUTCHINGS:

Q How old was your father when he died? A Me, I don't know whether I know his age or not.

Q If you don't know you can't say? A I wouldn't have no reason to know his age; never asked him his age; of course I guess my mother knows.

Q Never had occasion to talk about his age at all? A Oh I have heard him speaking of his age at different times, but then I never paid enough attention to it.

Gid Graham, being first duly sworn and being examined testified as follows:

BY MR. McKENNON:

Q What is your name? A Gid Graham.

Q How old are you? A Mr. Graham? A I am 35 years old.
Q How long have you been living in the Territory? A I came out here in 1887 or '88.
Q To the Cherokee Nation? A Yes sir.
Q How long have you been living in the Cherokee Nation, what year was that '87 or '8? A Yes sir.
Q Have you resided here continuously from that time ever since in the Territory? A Yes sir.
Q How long did you live in the Cherokee Nation? A About 6 years.
Q Where did you go then? A Wagoner.
Q In the Creek Nation? A Yes sir.
Q And been residing there ever since? A Yes sir.
Q In business? A Yes sir.
Q Have you all the while been recognized as a citizen of the Cherokee Nation? A Yes sir.
Q Mr. Graham, do you know Judge Samuel H. Benge? A Yes sir.
Q Did you have a conversation with him in Fort Gibson about September of 1900? A Well as to the exact time I couldn't say. it was sometime about the time that the Dawes Commission were at Sallisaw, or possibly a little later, somewhere about there.
Q Taking the census of the Cherokees? A Yes sir.
Q At that time had the question of the validity of the judgment of the Cherokee citizenship commission admitting Robert Dawson and family been called in question? A Yes sir.
Q Did you talk to him about the facts concerning the obtaining of that judgment? A I did.
Q What did he tell you about it; well I will just ask you, did he then and there tell you that that judgment was regular and all right nothing wrong with it? A . He did.

BY MR. HUTCHINGS:

Q You were looking around for testimony at that time, Mr. Graham, were you? A How was that?
Q You were looking around for testimony at that time, expecting this case to be questioned? A Since the validity of that judgment had been attacked by the authorities of the Cherokee Nation, I thought it was well to look into the matter.
Q And he told you the judgment was all right? A Having known that Mr. Benge was connected with the case, I saw him in Fort Gibson, subsequent to that time and asked him about it, if there was anything wrong about the matter, and also that I might want his affidavit concerning the matter, and I also I think maybe wrote to him; possibly prior to that, I am not sure as to the writing, but I think possibly I did
Q Did he tell you he would make an affidavit? A I don't think at that time that I asked him for an affidavit. I thought as he lived right near here I would use him in person; he assured me that everything was all right.
Q Your mother was Missouri Dawson was not she? A Yes sir.
Q Her name was Missouri Graham when she was re-admitted to citizenship? A Yes sir.
Q And was not Missouri Dawson as named in that judgment? A Yes sir.
Q Do you know whether the other children named in there had married and changed their names also at the time they were admitted? A There were not any of them married.
Q Ella Dawson was your aunt? A Yes sir.
Q Was she married or at that time? In 1903? A Yes sir.
Q Melvina Dawson, was she married at that time? A Yes sir.
Q And the fourth one you have mentioned, Missouri Dawson, was your mother? A Yes sir.

Q Can you give us the exact date of your birth? A Yes sir.
Q Do so, please? A January 21, 1867.
Q And you came to the Territory when? A In 1887 or 1888.
Q You can't make that any more definite? A Well sir, it has been a good while ago, and I didn't have anything to cause me to.
Q Well I just want to know whether you did have or not? A No sir.
Q When were you married? A 1886.
Q You were married prior to coming here? A Yes sir.
Q Your first child born away from her? A Yes sir.
Q What is its name? A John W.
Q '86 you were married, and he was born about the spring of '87?
A Somewhere in 1887, I don't remember.
Q Prior to your coming here? A Yes sir.
Q That is the only child you had that was born away from here?
A No sir, Julius.
Q Julius was not born in the Territory? A No sir.
Q And prior to the time of your removing to the Territory? A Yes sir.
Q These are the only children born out? A Yes sir.

BY MR. McKENNON:

Q Do you know Campbell Taylor? A Yes sir.
Q I will ask you if about February 1901, he came to Wagoner, and sent his son to have you come to the hotel at night where he was, and if he then and there said to you "You people are on the doubtful list, and if you will give me five hundred dollars I will make it all right and)see that you are enrolled, and if you don't I will see that you don't get on".? A Well now as to the first part of thatquestion, where you say he sent his son; that is an error; I don't know whether he came to my house or sent some one; when I returned home that evening my wife told me there was some one there to see me, and was at the city hotel at Wagoner, and said come down and see him; I went down there; I never had met Taylor; he introduced himself to me and stated what his business was; asked me if I was on the doubtful list, etc., to which I replied that we were; he asked me if I didn't want to employ him, stating that if we would give him, our family would give him five hundred dollars he would see that we were placed on the rolls all right, but if we refused to give him five hundred dollars that he would use his influence against us and see that we were rejected.
Q You never had met him before, or had any communication with him?
A I never met him before; as to the communication, I may have written him something about his affidavit as to the validity of that judgment, I can't say as to that. He said in his testimony that I did; I don't know whether I did or not now.

BY MR. HUTCHINGS:

Q You knew he was the attorney in the case, originally? A After looking at the records I did.
Q I mean you knew it at the time you wrote to him about the affidavit; that was the reason why you thought he would know something? A Certainly.
Q He never told you he was going to swear against you or threatened to tell anything that was not true? A He just simply said unless we gave him that five hundred dollars he would see we were all put off the rolls.
Q Said he would use his influence against you, that is what he said? A Yes sir.

BY MR. HASTINGS:
Q You don't deny writing to him then for the affidavit? A I don't say I did or I did not; I neither affirm it or deny the question.
Q You went to Captain Benge and also wrote him with reference to what he knew about the case? A I don't know whether I wrote him or not, I said I was under the impression I wrote his son.
Q You went to see Aaron Butler, who was interpreter before that court that admitted you? A Yes sir.
Q And you went with Aaron Butler to see Jim Smith, attorney before that court? A Yes sir.
Q And you either wrote or went to see everybody you knew of that was before that court then? A Yes sir.
Q That shows you used considerable activity? A Yes sir, I used such activity as was to my interest.
BY MR. McKENNON:
Q That was all after the representatives of the Cherokee Nation objected to the enrollment of the Dawson family and by reason thereof such as had appeared before the Commission had been placed upon a doubtful card? A Yes sir.
Q Then you began to look up the evidence and see what there was in it? A Yes sir.
Q As Mr. Hastings has stated? A That's right.
BY MR. McKENNON:
Q You are a grandson of James Dawson? A Yes sir.
Q The old gentleman? A Yes sir.
Q About what was his age when he was admitted to citizenship in the Cherokee Nation, in 1884, wasn't it? A Yes sir, well I can't be exact as to that.
Q Well as nearly as you can? A He was somewhere about 70 or 72, years of age.
Q Well what other James Dawson did you know belonging to the families, either one of these families, Robert Dawson family or the James Dawson family? A I never knew of but two James Dawsons.
Q Who were the others? A Dr. James R. Dawson, who is present and standing right here; my grandfather, James Dawson.
Q Was there in '84 any James R. Dawson 35 or 40 or 45 years old, that you know of, belonging to either one of these families?
A No sir.
Q Do you know how old Dr. James R. Dawson was that that time?
A James Dawson? Q No I am speaking of Dr. James R. Dawson? A Oh, how old he was, no sir, I do not.
BY MR. HUTCHINGS:
Q Do you know who was here attending to your mother's citizenship case at that time, at the time they were admitted? A Yes sir, James Low and Bill Jackson, son of Ellen Jackson.
Q Who was W. A. Dawson? A That is Wilburn, my uncle.
Q Was he here? A I don't know sir.
Q You were not here any of the time? A No sir.
Q You knew your grandfather then, you had lived in the same neighborhood with him? A Yes sir, I knew him well.
Q He didn't die for a year or two after that did he? A After when, Mr. Hutchings?
Q After his admission to citizenship? A No sir, he didn't die I think until '91 or '90, several years after.
Q Very old man when he died? A Yes sir.
BY MR. McKENNON:
Q About what age? A He was approximately 80 years old.
BY MR. HUTCHINGS:
Q When he died? A Yes sir.

BY MR. HASTINGS:
Q That about 1891? A I think so, yes sir.
BY MR. McKENNON:
Applicants object to the testimony of the witness elicited by interrogatories of Counsel for the Cherokee Nation relating to his family, their history, etc, as being immaterial, irrelevant and incompetent.

James R. Dawson, being first duly sworn, and being examined, testified as follows:
BY MR. McKENNON:
Q Your name is James R. Dawson? A Yes sir.
Q Where do you live? A Afton, Indian Territory.
Q What is your age? A 45.
Q You are a physician are you not? A Yes sir.
Q Was James Dawson, whose family was admitted in 1884, an uncle of yours? A Yes sir.
Q Do you know what his age was at that time? A No sir, I do not, only approximately.
Q State as nearly as you can? A At the time of theadrission?
Q Yes sir? A About 70, I don't know exactly.
Q How old was he when he died? A I would suppose he was about 78.
Q What was your age in 1884? A I am 45.
Q What year were you born, Doctor? A I was born in '57.
Q Must have been '58? A Yes sir, that's right.
Q What was your age then? A In '84?
Q Yes sir? A About 28.
Q Were you present at the time that James Dawson family was admitted, or at any time while their case was pending before the Cherokee citizenship commission? A Not while the James Dawson case was, no sir.
Q You were present during your father's case? A I was there at the time.
Q When was that? A The dates I cannot remember; when the case first came up, I disremember the exact date.
Q How long were you there? A I was there about a week.
Q Was that when it first came up you say? A Yes sir.
Q Nothing was done? A No sir.
BY MR. HUTCHINGS:
Q You never saw Dr. Baker? A Yes sir.
Q Did he and your uncle Jim ie used to talk about how they playsd together when they were boys? A My uncle Jim and Dr. Baker talk?
Q Yes? A I never saw them together.
Q They were about the same age? A Yes sir, I believe Dr. Baker was 15 years older probably.
Q Dr. Baker must have been mistaken about his own age? A Guessing, that's all I know about his age.
Q The Doctor had been paralyzed, rather a decrepit looking man at the time he was over here at this citizenship business? A No sir, not as I know anything about.
Q He was near about 70 then? A I couldn't tell you, he was an old looking man.
Q Your uncle Jimie was about 70? A Yes sir.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

W. W. HASTINGS, being first duly sworn, and being examined testified as follows:

BY MR. HUTCHINGS:

Q State your name? A W. W. Hastings.

Q Residence? A Tahlequah, age 35.

Q You are attorney for the Cherokee Nation in the general preparation of these cases? A Yes sir.

Q Just state how it happened that you summoned Mr. Campbell Taylor, and what occurred between you with reference to his testimony?

A Well there had been some talk, as the testimony here indicates, that there was perhaps fraud in the admission of this family, and by agreement with counsel on the other side, and the Commission, this case was set for the 17th day of March, and some short time prior to that, as the attorney for the Nation I began to make some preparation or inquiry into the case, and I wrote a great many letters around to different people and among them I wrote C. H. Taylor to come down here. I don't think in that letter that I told him what I wanted with him. I don't think I told him the case that I wanted him to testify in; that is my recollection now. Mr. Taylor prior to that time, neither directly nor indirectly, so far as I know, ever gave me any information voluntarily against this family, or ever said anything that would lead me to believe that he knew anything of a fraudulent character connected with it. But I summonsed him; perhaps the fact that I knew he had been connected with them in some way and that I perhaps also would get some information from him. Well he came in response to a letter that I wrote, and I took him up to my office. I talked to him quite a long while. He was exceedingly reluctant about giving any testimony whatever, he told me first and last that he didn't intend to testify before the Commission. He told me he had been attorney for these people, and he didn't believe he could be compelled to testify, and that is he was put upon the stand he would claim that privilege, and he didn't believe I could force him to testify. I talked to him at some considerable length; I asked him what he knew about it; of course he for a long time declined to tell me; and what information I did get from him was by piecemeal. He was exceedingly reluctant all through the interview to give any information. I asked him finally though that if the Court compelled him to testify when he got before the Commission, if he would tell the facts about it, and he said that he would. I told him then that I would subpoena him.

Well we talked quite a good while and finally after always telling me that he intended to claim that privilege, and never wanting to testify, he detailed to me the facts just as he told them on the stand; I don't believe there is the slightest variation, except that he perhaps was not so full at that time and it was told by piecemeal, but I got all those facts out of him, or very nearly all those facts out of him. He may have elaborated a little more here by examination; but he never voluntarily gave me any information at all, either directly or so far as I know indirectly. I don't think he sent any one to me. I got his name because I heard he was connected with the case, and perhaps knew something about it, like I did a great many other people, some of whom I didn't bring, because they didn't know what I supposed they did know about the case.

With reference to S. H. Benge, I want to state that he never voluntarily gave me any information at all about this case, nor did I know that he knew anything in connection with this case until I sent J. C. Starr over to S. H. Benge's place to take his affidavit on Saturday, March 15, in the W. H. and J. W. Shoemake case, and their descendants. I had heard that Mr. Benge knew some important facts in connection with the Shoemake case and I sent him over there then to take that affidavit; and when Mr. Starr came back he told me that he knew some facts also in connection with these other cases, and I was surprised to find he had instead of one affidavit, in the Shoemake case, that he also had another affidavit in the Dawson case. That is the first information I had that Mr. Benge knew anything whatever in connection with the Dawson case, and therefore he never voluntarily, either directly or indirectly gave any information prior to that time to me.

I impressed upon Mr. Taylor that the Nation only wanted the absolute truth in this matter; that it was not seeking anything else but the truth, and didn't want him to tell anything else but the truth.

I want to say again that after he was on the stand and left that evening, and after Captain McKennon, or counsel for the family, had indicated his willingness for Mr. Taylor to testify, that he went over all of these facts that he testified to on the stand subsequent to that time in the presence of J. C. Starr in my office. I simply wanted to go on the stand for the purpose of showing that Mr. Taylor hadn't voluntarily given me any information, and I make this statement for that purpose.

BY MR. McKENNON:

Q You had no power to compel him to give you any information at that time at all did you? A No sir, none other than the pursuation that I brought to use.

Q He therefore did it simply upon your pursuation? A Yes sir.

Q You knew he had been acting as attorney for these parties?

A Yes sir, I had seen from the record that he did too.

Q And he told you so? A Yes sir.

BY COMMISSION: The attorneys for the applicants or representatives of the Cherokee Nation will be granted thirty days from the receipt of the transcript in this case in which to file a brief in this case with the Commission.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) M. D. Green.

I, Arthur A. Evans, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the foregoing, and that the same is a true and complete copy of the original.

Arthur A. Evans

Subscribed and sworn to before me this 18th day of December, 1902.

B. O. Jones

Notary Public.

41 A-11234

COMMISSION

FILED
FEB 1 1902

ACTING CHAIRMAN

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February,1st. 1902

Charles T. Bradshaw,

Muskogee, Indian Territory,

Sir:-

You are hereby notified that the application of yourself, your wife and two minor children for enrollment as citizens of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the [illegible] day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Cherokee D-1124.
Register.

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee I.T. Feb 24 1902.

Received of the Commission to the Five Civilize. Tribes one copy of the testimony in the matter of the application of Charles J. Bradshaw et al for enrollment as [redacted] of the Cherokee Nation.
Citizens

A S Mackey
Atty. for applicants.

No. C. N. 1124

C D. 1124

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of ..... A. D. 190....

Given under my hand this ..... day of..... A. D. 190

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the ..... day of ..... , 190..

.....
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the .... day of ..... A. D. 190....

.....

Subscribed and sworn to before me this .....

.....
Notary Public.

D 1124

MAR 15, 1901

NOTICE!

IN THE MATTER OF the application of Charles T. Bradshaw et al
For enrollment as Cherokee citizens:
Case No. D 1134
To Charles T. Bradshaw et al Muskogee, I.T.,

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of ..... Indian Territory, on June 17, 1906 ..... or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this May 10, 1906.

.....

.....
Attorneys for the Cherokee Nation.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss

In the matter of the application of .....

Chas. T. Bradshaw. for enrollment as a Cherokee ~~Freedman~~ citizen.

No. C. D. 1124

C. L. Evans.

J. C. STARR, of lawful age, being duly sworn on oath states that on the 10th day of March, A. D., 1902 he registered to Chas. T. Bradshaw, whose postoffice is Muskogee, Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Muskogee, Indian Territory; and that on the 13th day of March, 1902 he received the return card which is hereto attached, signed by the said Chas T Bradshaw, showing that he had received said notice.

Arthur L Evans

Subscribed and sworn to before me on this the 13 day of March A. D. 1902

J C Starr

Notary Public.

COPY.

Refer in reply to
the following:
LAND
13855-1903.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, October 16, 1903.

CHEROKEE ENROLLMENT.

Francis M. Dawson, et al.,

GROUP IX.

The Honorable,

the Secretary of the Interior.

Sir:

Referring to office report of even date, transmitting Group 1 of this consolidated case, there is enclosed herewith the record relative to the parties applicants to Group IX. of the Francis M. Dawson, et al. case.--

D. 23, Group IX. page 1.

John W. Graham applies for the enrollment of himself as an intermarried citizen, and for the enrollment of his wife, Missouri Graham, and their minor children, Tempa V. and Robert S. Graham, as citizens by blood of the Cherokee Nation.

D 35, Group IX. page 5.

Gideon Graham applies for the enrollment of Himself and his minor children, John V., Julia C., Francis V., Mary E., Jesse E., Gracie M. and Florence M. Graham, as citizens by blood, and for the

enrollment of his wife, Elizabeth Graham, as a witizen by intermarriage.

D) 836, Group IX, page 11.

Matthew M. Painter, applies for the enrollment of himself as an interm rried citizen, and for the enrollment of his wife, Laverna, A., and their children, Ada R., Eva P., John W., Ray D., Robert A., and Roy V. Painter, as citizens by blood. Roy V. was born after the date of his father's original application and is identified by birth certificate.

D. 1124, Group IX. page 21.

Charles T. Bradshaw applies for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Florence B., and their minor children, Myrtle and Claude Bradshaw, as citizens by blood.

D. 1125, Group IX, page 25.

Joe L. Graham applies for the enrollment of himself and his minor child, William C. Graham, as citizens by blood.

D. 1126, Group IX, Page 23.

John F. Graham applies for the enrollment of himself and his minor children, Edna M. and Robert Lee Graham, as citizens by Blood. Robert Lee Graham was born subsequent to the date of his father's original application, and he is identified by a birth affidavit.

D) 1127, Group IX. Page 26-1/2.

James Neal applies for the enrollment of his wife, Joe Willie Neal, as a citizen by blood.

D. 1128, Group IX. page 38.

James M. Graham applies for the enrollment of himself and his children, Marion, Maggie, Luther, Liddie, Margarett and Floyd Graham, as citizens by blood, and for the enrollment of his wife, Bessie Graham, as an intermarried citizen. Floyd Graham was born after the original application and is identified by a birth affidavit.

---- ----------

The Commission in its decision of December 28, 1903, held that all the applicants above named, except Liddie and Margaret Graham, who died prior to September 1, 1902, were entitled to enrollment---- John W. Graham, Elizabeth Graham, Matthew T. Painter, Charles T. Bradshaw and Bessie Graham, as citizens by intermarriage, and the others as citizens by blood.

John W. Graham, (Group IX. page 1), February 16, 1888, married Missouri Dawson, who was admitted to citizenship by the Spears Commission or Court, September 9, 1884. This Court was composed of Eli Spears, John Lee, Andrew Young, John L. Adair was clerk pro tem of the Court. The marriage of February 16, 1888, was performed in accordance with the laws of the Cherokee Nation. John W. Graham and his wife, Missouri, were first married in 1866, in accordance with the laws of the State of Texas. John W. Graham and his wife have lived

in the Cherokee Nation since 1888. His name, the name of his wife and the names of his two children appear on the 1896 Cherokee census roll.

Gideon Graham, (Group IX. page5), is the son of John V. and Missouri Graham, and was a minor when his mother was admitted to citizenship in the Cherokee Nation. He was married to Elizabeth Graham nee Bydow in accordance with the laws of the State of Texas, October 10, 1886. Gideon Graham, his wife and all of their minor children, except Florence N., are identified by the 1896 census roll. Gideon Graham and his family appear to have lived in the Cherokee Nation since 1888. Gideon Graham is identified by the 1894 roll.

Matthew A. Painter, (Group 9, page 11), was married to Laverna A. Painter nee Graham, under the Cherokee law, August 19, 1888. It seems that these parties were first married, September 25, 1887, but not in accordance with the laws of the Cherokee Nation. Laverna A. Painter is the daughter of John V. and Missouri Graham. She was a minor when her mother was admitted to citizenship. Matthew A. Painter, his wife and minor children, except May D. Robert A. and Roy F., are identified by the 1896 roll. From the record it appears that the principal applicant and his family have lived in the Cherokee Nation since 1888.

Charles T. Bradshaw, (Group IX., page 21), was married to Florence Bradshaw nee Graham in accordance with the laws of the Cherokee Nation, March 24, 1894. Florence Bradshaw is a daughter of John V. and Missouri Graham. Missouri Graham was admitted to citizenship September 9, 1884, under the name of Dawson. From the record

it does not appear that the name of Charles T. Bradshaw is found on any of the rolls of the Cherokee Nation. Florence Graham is identified by the 1894 census roll. Florence Bradshaw and her family appear to have resided in the Cherokee Nation since 1888.

John F. Graham , (Group IX. page 33), is the son of John W. and Missouri Graham. Missouri Graham was admitted to citizenship September 9, 1884, and the principal applicant was a minor when his mother was admitted. He was married to Mattie Lawson, February 11, 1900. Mattie Lawson is a non citizen. His name appears on the 1894 pay-roll, but does not appear on the 1896 roll.

James Neal, (Group IX. page 36-1/2), is a recognized citizen of the Cherokee Nation by blood and is enrolled as such. He was married to Joe Willie Neal nee Graham, a daughter of Missouri Graham, who was admitted to citizenship September 9, 1884, under the name of Dawson. The name of Joe Willie Neal is found on the 1894 pay-roll as is also the name of her husband. She was a minor when her mother was admitted to citizenship, and she has lived in the Cherokee Nation since 1888.

James M. Graham, (Group IX. page 36), is a son of John W. and Missouri Graham. Missouri Graham was admitted to citizenship in the Cherokee Nation, September 9, 1884. November 2, 1902, James M. Graham was married to Bessie Willis, in accordance with the laws of the Cherokee Nation. The name of James M. Graham is found on the 1894 pay-roll. Marion Graham is also identified by that roll. The

other minor children are properly identified by birth affidavits.

In connection with this Group, attention is respectfully invited to office report of even date transmitting Group 1, and for the reasons therein stated the approval of the Commission's decision is recommended, except as to John W. Graham, Elizabeth Graham, Matthew A. Painter, Charles T. Bradshaw and Bessie Graham, who apply for enrollment as intermarried citizens.

As hereinbefore stated, the record shows that Liddie and Margaret Graham died before September 1, 1902.

Attention is also invited to Department letter of June 18, 1903, (I.T.D. 3886), in the Martha Hill case.

Very respectfully,

(Signed) W. A. Jones,

Commissioner.

G.A.W.-L.C.

COPY.

D C 10519-1904.
I.T.D. 7442-1903.
7466- "

J.W.H.

J.P.

L.R.S.

FHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

March 31, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 25, 1903, you transmitted the record in the matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, with your decision of December 23, 1902, in which you disposed of these applications by groups, including Group IX, which will be considered herein, the applications of those persons who claim enrollment through Missouri Graham, formerly Dawson, who was admitted to Cherokee citizenship, September 9, 1884, by decree of the Cherokee Commission on Citizenship, of which Eli Spears was President.

Said decree recites that Missouri Dawson (now Graham) and others, "are Cherokees by blood and that by virtue thereof they are justly entitled to all the rights and privileges of Cherokee citizenship in the Cherokee Nation, and that they should be and are hereby admitted to the full and complete enjoyment of the same in all respects as native born Cherokees."

Title D. 23 refers to the application of John W. Graham, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, the said Missouri Graham, nee Dawson, and his minor children Tempa V. and Robert S. Graham, as citizens by blood of the Cherokee Nation. Missouri [redacted] nee Dawson, has resided in the Cherokee Nation since 1888. She and her children, whose names appear above, are identified on the Cherokee census roll of 1896. Her name also appears upon the 1894 roll. On February 12, 1888, she was married to the said John W. Graham. A former marriage was entered into by them under the laws of Texas, in 1866.

Title D/ 35 refers to the application of Gideon Graham for the enrollment of himself and his minor children, John W., Julius E., Francis W., Mary E., Jesse E., Gracie M. and Florence M. Graham, as citizens by blood, and for the enrollment of his wife, Elizabeth Graham, as a citizen by intermarriage, of said nation. Gideon Graham is the son of the said Missouri Graham, nee Dawson, and was a minor when his mother was admitted to citizenship. He is identified on the 1896 census roll and has resided in the Cherokee Nation since 1888. On October 10, 1886, he married Elizabeth Graham, nee Sydow, and the children named above are the issue of that marriage. Elizabeth Graham, and the six older children are identified on the census roll of 1896. The youngest child is identified by a birth affidavit.

Title D. 836 refers to the application of Matthew A. Painter for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Laverna A. Painter,

and his minor children, Ada R., Eva P., John W., Ray D., Roberta A. and Roy V. Painter, as citizens by blood of said nation. Laverna A. Painter is the daughter of the said Missouri Grah m, nee Dawson, and was a minor when her mother was admitted to citizenship. She is identified on the 1896 census roll and has resided in the nation since her marriage to said Matthew A. Painter, in 1888. He and their three older children are also identified on the census roll of 1896. The three younger children are identified by birth affidavits.

Title D. 1124 refers to the application of Charles T. Bradshaw for the enrollment of himself as a citizen by intermarriage and for the enrollment of his wife, Florence P. Bradshaw and his minor children, Myrtle and Claude Bradshaw, as citizens by blood of said nation. Said Bradshaw was married March 22, 1894, to Florence P. Graham, in accordance with the laws of the Cherokee Nation. She is the daughter of the said Missouri Graham, nee Dawson, and was a minor when her mother was admitted to citizenship. Florence P. Bradshaw, nee Graham, is identified on the 1894 strip peyment roll, and has resided in the Cherokee Nation since 1888. Their children named above are identified by birth affidavits.

Title D/ 1125 refers to the application of Joe E. Graham for the enrollment of himself and xhis minor child, William C. Graham, as citizens by blood of the Cherokee Nation. Said Joe E.

Graham is a son of the said Missouri Graham, nee Dawson, and was a minor when his mother was admitted to citizenship. He is identified on the 1894 strip payment roll, and has resided in the nation since 1884. He married Mary Bradshaw on January 6, 1888. William C. Graham is the issue of that marriage. He is identified by a birth affidavit.

Title D. 1126 refers to the application of John F. Graham for the enrollment of himself and his two minor children, Edna M. and Robert Lee Graham, as Cherokees by blood. Said John F. Graham is the son of the said Missouri Graham, nee Dawson and was a minor when his mother was admitted to citizenship. He is identified on the 1896 roll and has resided in the Cherokee Nation since 1888. His children, who are the issue of his marriage to Mattie Lawson, a non-citizen, on February 11, 1900, are identified by birth affidavits.

Title D. 1127, refers to the application of James Neal for the enrollment of his wife, Joe Willie Neal, nee Graham, as a citizen by blood. She is the daughter of the said Missouri Graham, nee Dawson, and was a minor when her mother was admitted to citizenship. She is identified upon the 1894 pay roll and has resided in the nation since 1888.

Title D. 1128, refers to the application of James M. Graham for the enrollment of himself and his minor children, Marion, Maggie, Luther, Liddie, Margaret and Floyd Graham, as citizens by blood, and for the enrollment of his wife, Bessie Graham, as a citizen by intermarriage. The said James M. Graham is the son of

the said Missouri Graham, nee Dawson, and was a minor when his mother was admitted to citizenship. He is identified on the 1894 pay roll and has resided in the nation since 1884. On November 2, 1892, he was married to Bessie Willis. The six children named above are the issue of that marriage. The oldest child, Marion, is identified on the pay roll of 1894. The other children are identified by birth affidavits.

The residence of all minor children referred to herein is considered to be that of their parents.

In your decision of December 23, 1903, you held that all of the applicants mentioned above are entitled to enrollment.

Reporting relative to this group October 16, 1905, the Commissioner of Indian Affairs recommended that your decision be approved, in so far as it related to those applicants who claimed by blood, and as to those claiming by intermarriage he recommended that no action be taken at this time.

The Department concurs in the recommendation of the Commissioner, and you are directed to enroll the applicants named above who claim by blood.

The attorney for the Cherokee Nation protests against the enrollment of these applicants, alleging that the decree of the tribal court upon which these claims depend, was obtained through fraud. In this connection, see opinion of the Assistant Attorney General of February 18, 1904, in the Dawson case, copy of

which was forwarded to you February 24, 1904.

A copy of Indian Office letter relating to this group is inclosed.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

1 inclosure.

(COPY)

D.C.83540-1906. Y.P.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

December 4, 1906.

I.T.D.7442,7444,
7446,7448,
7450,7452,
7454,7456,
7458,7462,
7464,7466,
7906-1903.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the decision of the Supreme Court of the United States in the case of Daniel Red Bird et al., citizens of the Cherokee Nation by blood, and Francis B. Pitc et al., claiming to be entitled to citizenship in the Cherokee Nation by intermarriage, the applications for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Petterson, Alice Dawson, Sarah J. Dawson (formerly Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James M. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, Alonzo M. Fishback, Lizzie Jackson, and George A. Mabry, as cit-

izens by intermarriage of the Cherokee Nation, mentioned in letter of the Commission to the Five Civilized Tribes of February 25, 1903, submitting the record in the consolidated case of Francis M. Dawson et al., are rejected. See eleven departmental letters of March 31, 1904, and letters of April 8 and 13 1904.

The papers still remaining in the Department have been returned this day to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

23 inc. to Ind. Of.

REFER IN REPLY TO THE FOLLOWING
Cherokee
D 1124

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 19, 1906.

Charles T. Bradshaw,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was reversed by the Secretary of the Interior, December 4, 1906, and your application denied.

Respectfully,

W. C. Brann

Acting Commissioner.

LMC

Cherokee
D 324 et al.

Muskogee, Indian Territory, December 19, 1906.

A. S. McKennon,

Attorney for Katie Dawson,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Katie Dawson, et al., as citizens by intermarriage of the Cherokee Nation, were denied by the Department December 4, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. W-10
S.W.

Cherokee
D 324 et al.

Muskogee, Indian Territory, December 19, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Katie Dawson, et al., as citizens by intermarriage of the Cherokee Nation, were denied by the Secretary of the Interior, December 4, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. W-11
S.W.

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

R 1124



Charles T. Bradshaw,

Muskogee, Indian Territory.

Registered Letter / Parcel No. 3597 Post Office.

J C Blair

Chas. I Bradshaw

Muskogee I T

CHEROKEE D1124

Charles J Bradshaw

CHEROKEE
D1124

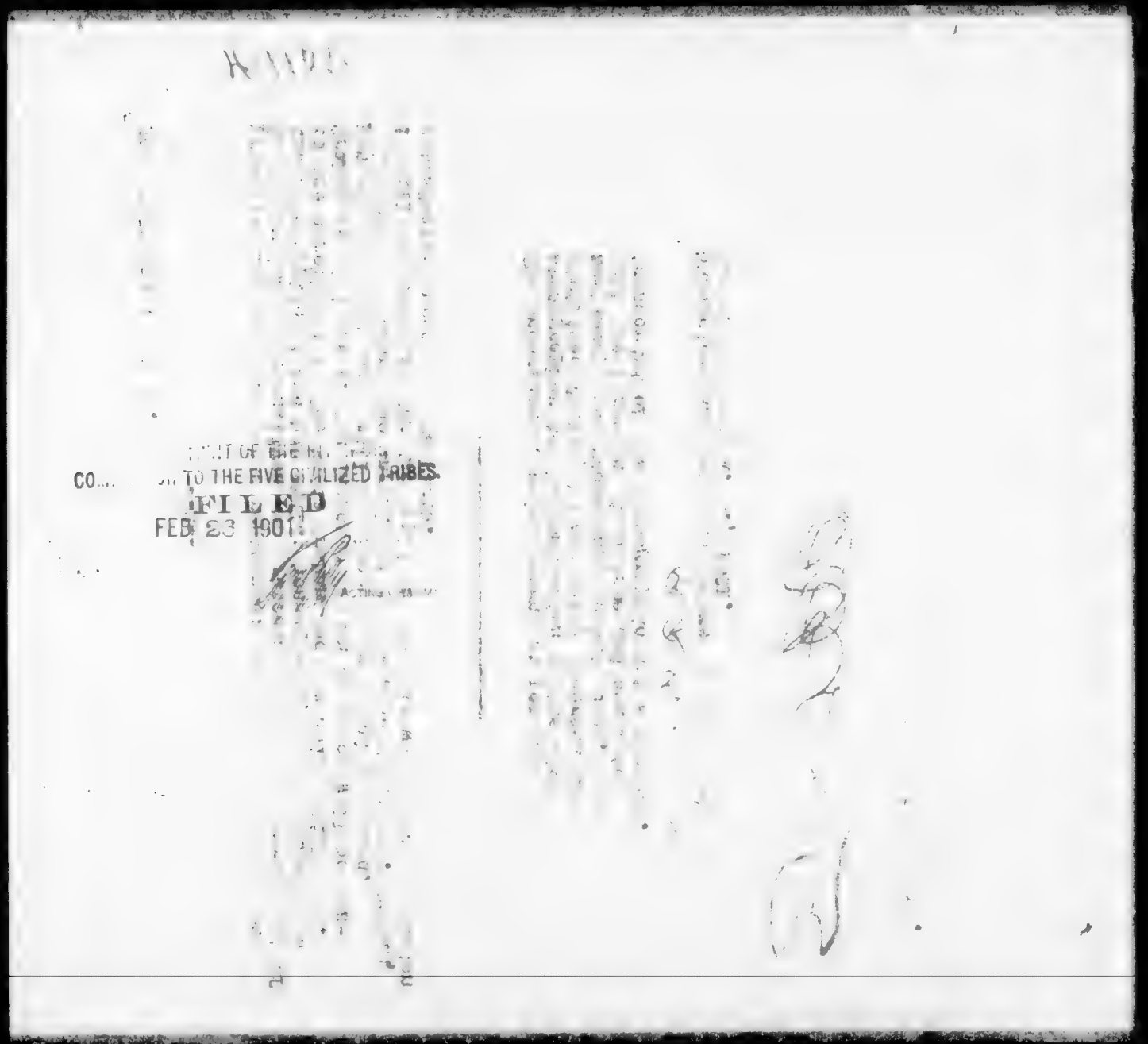
1 W
April 12, 1904, Nos 2, 3, 4
Transferred to Cherokee
10750

Copy of testimony filed
with the Cherokee
Nation

See D. 324

Cher D 1125

Cher D 1125


TO THE FIVE CIVILIZED TRIBES
FILED
FEB 23 1901

DOUBTFUL.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEBRUARY 23rd, 1901.

IN THE MATTER OF THE APPLICATION OF Joe Eddie Graham for the enrollment of himself and child as citizens of the Cherokee Nation, and said Graham, being sworn and examined by Commissioner, T. B. Needles testified as follows:

Q What is your name? A Joe Eddie Graham.
Q How old are you? A Twenty four.
Q What is your Postoffice? A McLain.
Q What district do you live in? A Canadian.
Q Do you claim to be a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood or intermarriage? A By blood.
Q Whom do you desire to enroll? A Myself and my baby.
Q Are you married? A Yes, sir.
Q What is your wife's name? A May.
Q Is she a citizen? A No, sir.
Q What was her name before you married her? A Bradshaw.
Q What is her age? A Twenty one.
Q When did you marry her? A I have my marriage certificate here. Please present it. (Applicant hands paper to Commissioner)

Com'r. T. B. Needles: Applicant presents a marriage license and certificate, certifying that he was married on the 6th day of January, 1898 to one, Miss Mary Bradshaw, a non citizen.

Q What is the name of your child? A William C.
Q How old is he? A Sixteen months .
Q Is this child living at this time? A Yes, sir.
Q Is your name on the roll of 1896, do you know? (No response)

Pay Roll of 1894 of the Cherokee Nation examined and the name of the applicant appears thereon as follows:
Page 37, #815, Eddie Graham, Canadian District.

Q What is the name of your father? A John W. Graham.
Q Is he living? A Yes, sir.
Q What is the name of your mother? A Missouri.
Q Do you claim citizenship by reason of your mother having been admitted? A yes, sir.
Q She was admitted to Cherokee citizenship on the 9th day of September, 1884, was she? A Yes, sir.
Q How old were you then?; About seven years old? A Yes, sir.
Q Were you born in the Cherokee Nation? A No, sir.
Q Have you lived in the Cherokee Nation since 1884; since your mother was admitted? A Yes, sir.
Q Living there now?, A Yes, sir.

Com'r. T. B. Needles: The name of Joe Eddie Graham is found upon the pay roll of 1894; his name is not found upon the census roll of 1896 - or upon the authenticated roll of 1880; he avers that he is the son of John W. and Missouri Graham and makes satisfactory proof of the admission of Missouri Graham, his mother to Cherokee citizenship on the 9th day of September, 1884; he avers that at that time he was a minor, aged seven years, and that his mother was admitted under the name of Missouri Dawson, her maiden name.

He makes satisfactory proof of his marriage to one, Mary Bradshaw, a non citizen; by virtue of said marriage he has one child, William C. Graham, whose name does not appear upon the census roll of 1896, having been born after same was compiled. Satisfactory proof is made as to the admission of his mother to Cherokee citizenship while he, the said Joe Eddie was a minor; satisfactory

proof is also made as to his residence: Now comes the Cherokee Nation by its representatives and protests against the enrollment of the said applicant and his child; consequently final judgment as to the enrollment of Joe Eddie Graham and his child, William C. Graham as citizens of the Cherokee Nation by blood will be suspended and their names will be placed upon a doubtful card.

In order to insure the enrollment of the said William C. Graham, it will be necessary for the applicant to file with this Commission satisfactory proof of its birth.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R R Cravens

Subscribed and sworn to before me this 23rd day of Febuary, A. D., 1901.

COMMISSIONER.

D. 1125

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

.....day of ..... A. D. 190 .

Given under my hand this .....

day of ..... A. D. 190

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

.....day of ....., 190 .

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the day of ..... A. D. 190....

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

NOTICE!

IN THE MATTER OF the application of [illegible] for enrollment as Cherokee citizens:

Case No. D [illegible]

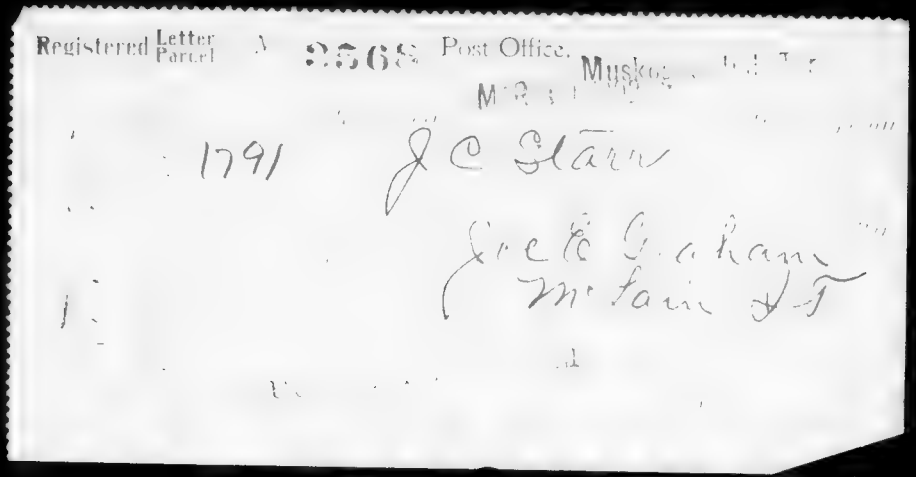
To [illegible] McLain I.T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of [illegible] Indian Territory, on [illegible] or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this [illegible]

[illegible]

Attorneys for the Cherokee Nation.


Registered Letter Parcel No. 2565 Post Office, Muskogee, I. T.

1791

Jc Glass

Jack Graham

McLain I.T.

Joe E Graham et al

April 12, 1904. Cancelled and
Nos 1 and 2 transferred to
Cherokee 10751.

COPY OF ... FILED
WI... ...ATION.

Dec 2 3 8 H

Cher D 1126

Cher D 1126

D 1126

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 23 1901

DOUBTFUL.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEBUARY 23rd, 1901.

IN THE MATTER OF THE APPLICATION OF John F. Graham for the enrollment of himself and child as citizens of the Cherokee Nation, and said Graham, being sworn and examined by Commissioner, T. B. Needles testified as follows:

Q What is your name? A John F. Graham.
Q How old are you? A Twenty one.
Q What is your Postoffice address? A McLain, Indian Territory.
Q Do you claim to be a recognized citizen of the Cherokee Nation?
A Yes, sir.
Q By blood or intermarriage? A By blood.
Q Whom do you desire to enroll? A Me and my baby.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Mattie Graham.
Q Is she a Cherokee citizen by blood? A No, sir.
Q Have you a certificate of your marriage? A Yes, sir.

Com'r. T. B. Needles: Applicant presents a duly authenticated certificate of marriage, certifying that he was married to Miss Mattie Lawson, a non citizen on the 5th day of Febuary, 1900.

Q What is the name of your child? A Edna May.
Q How old is it? A Six months.
Q What is the name of your father? A John W. Graham.
Q Is he living? A yes, sir.
Q What is the name of your mother? A Missouri.
Q Is she living? A Yes, sir.

1894 Pay Roll of the Cherokee Nation examined and the name of the applicant is found thereon as follows:
Page 37, #816, John F. Graham, Canadian District.

Q How old were you in 1884, at the time of the admission of your mother to Cherokee citizenship; when were you born; in what year?
A '79.
Q About five years old then? A Yes, sir.

Com'r. T. B. Needles: The name of John F. Graham is found upon the pay roll of the Cherokee Nation; his name is not found upon the authenticated roll of 1880 or upon the census roll of 1896; he avers that he is the son of John W. and Misso uri Graham; satisfactory proof has been made as to the admission of Missouri Graham to Cherokee citizenship by the constituted authorities of the Cherokee Nation on the 9th day of September, 1884 by the name of Misso uri Dawson, that being her maiden name; the applicant makes satisfactory proof as to his residence: Comes the Cherokee Nation by its representatives and protests against the enrollment of the said John F. Graham and his child, Edna May Graham; consequently final judgment as to the enrollment of John F. Graham and his child, Edna May will be suspended and their names will be placed upon a doubtful card. In order to complete the enrollment of the said Eda May Graham, it will be necessary for him to file with this Commission satisfactory proof of this child's birth.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 23rd day of Febuary, 1901.

COMMISSIONER.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, July 21st, 1902.

In the matter of the application of John F. Graham for the enrollment of himself and daughter, Edna M. Graham, as citizens by blood of the Cherokee nation.

Supplemental to Dawes

Appearances:

A. S. McKennon for Applicants.
W. W. Hastings for Cherokee Nation.

DICK NEAL, being duly sworn, testified as follows:--

Examination by Mr. McKennon.

Q. What is your name? A. Dick Neal.
Q. What is your age? A. 66.
Q. Where do you live? A. Canadian district, Cherokee nation. McLain.
Q. Do you know John F/ Graham? A. Yes, sir.
Q. How long have you known him? A. Some 10 or 12 years
Q. Where has he been residing during that time? A. Canadian district.
Q. In the Cherokee nation? A. In the Cherokee nation.
Q. Has he resided there continuously all the time? A. So far as I know. I never know of his being out of the country.
Q. You have known him quite well, have you? A. Yes, sir.

Examination by Mr. Hastings.

Q. You didn't know him before 10 or 12 years ago? A. No.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Jesse O Carr

Subscribed and sworn to before me this 21st day of July, 1902.

Notary Public.

D. 1126

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

.....day of ..... A. D. 190 .

Given under my hand this .....

day of..... A. D. 190

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

.....day of ....., 190 .

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the day of ..... A. D. 190 .

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

NOTICE!

IN THE MATTER OF the application of John T. Graham et al

for enrollment as Cherokee citizens:

Case No. D 112.

To John T. Graham et al McAlester, I.T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of

Indian Territory, on March, 17, 1902. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this March, 10, 1902.

W. W. Hastings

Attorneys for the Cherokee Nation.

CHEROKEE. 1117

John T Graham et al

April 12, 1904. Cancelled and Nos 1, 2 and 3 transferred to Cherokee 10752.

Sec F. 394

Cher D 1127

Cher D 1127

A 1127

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 23 1901
Acting Secretary.

DOUBTFUL.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEBUARY 23rd, 1901.

IN THE MATTER OF THE APPLICATION OF James Neal for the enrollment of his wife, WILLIE NEAL as a citizen of the Cherokee Nation, and the said James Neal, being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A James Neal.
Q How old are you? A Twenty five.
Q What is your Postoffice address? A McLain.
Q What district do you live in? A Canadian.
Q Are you a recognized citizen of the Cherokee Nation?
A Yes, sir.
Q By blood or intermarriage? A By blood.
Q For whom do you apply for enrollment? A My wife.
Q And yourself? A I have been enrolled myself.
Q Why did you not apply for your wife when you enrolled yourself?
A You denied here here at the time.
Q Is your wife a Graham? A Yes, sir.
Q What is your wife's name? A Willie Neal.
Q You did not apply for your wife the other day? A No, sir; just myself and child.
Q You said you were a Cherokee by blood? A Yes, sir.
Q What is the age of your wife? A Twenty four.
Q Her name was Willie Graham, was it? A Yes, sir.
Q Do you apply for her as a citizen by blood? A yes, sir.
Q What is her father's name? A John W. Graham.
Q Is he living? A Yes, sir.
Q What is her mother's name? A Missouri.
Q Is she living? A Yes, sir.
Q What is your wife's full name now? A Joe Willie Neal.
Q How does she sign her name now? A Willie; Joe Willie is her name.
Q You want her enrolled as Joe Willie, do you? A yes, sir.

1894 Pay Roll of the Cherokee Nation examined and the name of the applicant's wife is found upon same as follows:
Page 37, #814, Joseph W. Graham, Canadian District.

Com'r. T. B. Needles: The name of Joe Willie Graham, the averred wife of James Neal is found upon the Pay Roll of 1894; she is identified as the daughter of John W. and Missouri Graham; satisfactory proof is made that on the 9th day of September, 1884, Missouri Graham under the name of Missouri Dawson, her maiden name, was duly admitted to Cherokee citizenship by the constituted authorities of the Cherokee Nation; applicant has since married one, James Neal, a Cherokee citizen by blood; satisfactory proof is made of her citizenship and residence: Now comes the Cherokee Nation by its representatives and protests against the enrollment of the said Joe Willie Neal, nee Graham; consequently final judgment as to her enrollment as a Cherokee citizen by blood will be suspended and her name will be placed on a doubtful card.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 23rd day of February, 1901.

COMMISSIONER.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 21st, 1902.

In the matter of the application of Joe Willie Neal for the enrollment of herself as a citizen by blood of the Cherokee nation.

Supplemental to D-1127

Appearances:
A. S. McKennon for Applicant.
W. W. Hastings for Cherokee nation.

DICK NEAL, being duly sworn, testified as follows:
Examination by Mr. McKennon.

Q. What is your name? A. Dick Neal.
Q. Where do you live? A. Canadian district, McLain, Cherokee nation.
Q. Do you know Joe Willie Neal? A. Yes, sir.
Q. How long have you known him? A. It is a girl. She is my sons wife. 10 or 12 years I have known her.
Q. Where has she resided during that time? A. Right there--why, on half of my place. Not half, it is a little of my place.
Q. Has she been residing in the Cherokee nation continuously?
A. Yes, sir.
Q. Still resides there? A. Yes, sir.

By Mr. Hastings:
Q. You have known her 10 or 12 years? A. Yes, sir.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

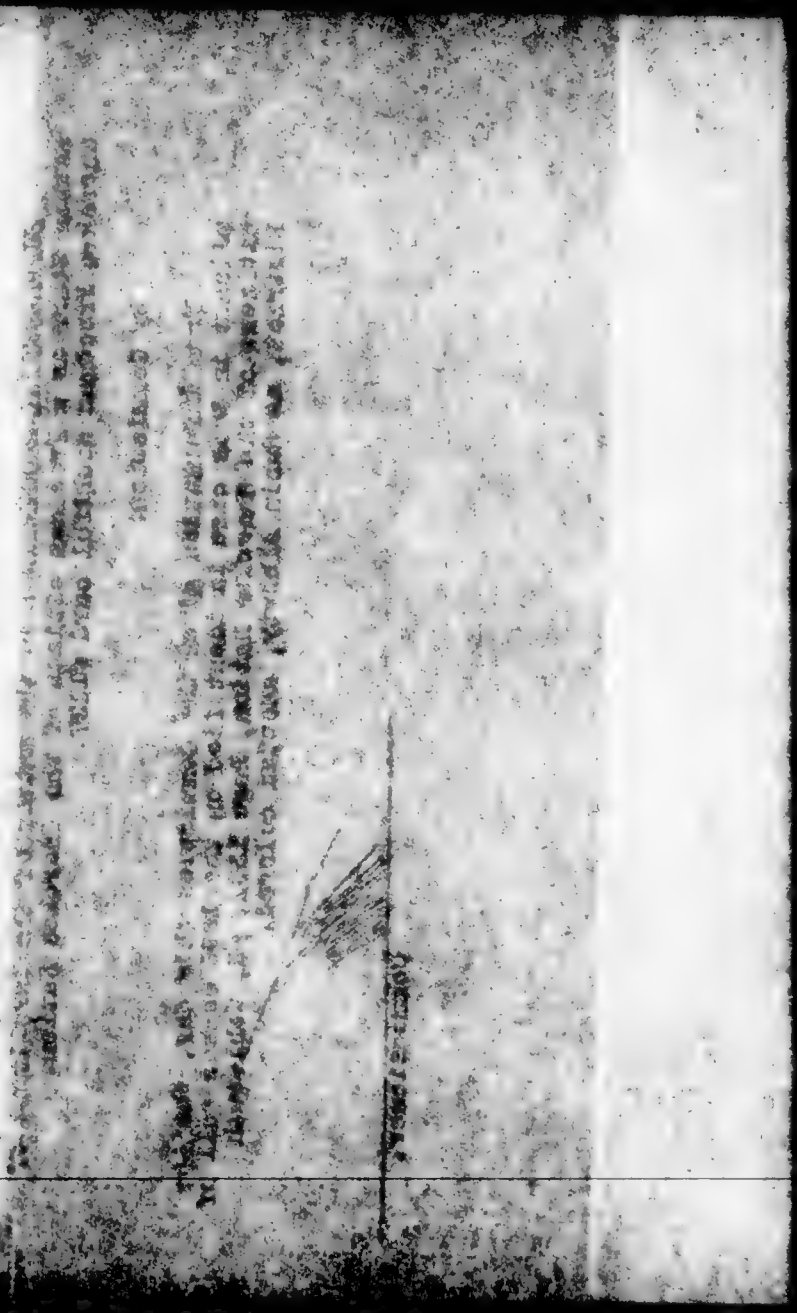
Jesse O. Carr

Subscribed and sworn to before me this 21st day of July, 1902.

Notary Public.

FD1127

NOV 6 1902



R
Cher'T D-1127.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 5, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the enrollment of Reuben Starr as a Freedman citizen of the Cherokee Nation. Cherokee Freedman doubtful card #1127.

By Commission:

From information given the Commission this day, the applicant in this case is identified on the 1896 census roll of citizens of the Cherokee Nation, Page 1301, #3, Tahlequah District, as Rubin Alberty, adopted colored.

Commissioner.

D. 1127

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of ..... A. D. 190....

Given under my hand this ....

day of ....A. D. 190

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the ....day of ..... , 190 .

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ..... A. D. 190 ..

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

NOTICE!

IN THE MATTER OF the application of ..... for enrollment as Cherokee citizens:

Case No. D ....1127.

To ..... McLain, I.T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of ..... Indian Territory, on ..... or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this .....

.....

.....

Attorneys for the Cherokee Nation.

CHEROKEE. 1127

for Willie Neal.

Advt. No. 10. Cancelled and No 1 transferred to Cherokee 10762

Dec'r 30th

Cher D 1128

Cher D 1128

D 1128

DEPARTMENT OF THE I
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 23 1901

DOUBTFUL.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEBUARY 23rd, 1901.

IN THE MATTER OF THE APPLICATION OF James M. Graham for the enrollment of himself, wife and children as citizens of the Cherokee Nation, and said Graham, being sworn and examined by Commissioner, T. B. Needles testified as follows:

Q What is your name? A James M. Graham.
Q How old are you? A Thirty two.
Q What is your Postoffice address? A Muskogee.
Q What district do you live in? A Canadian.
Q Are you a recognized citizen of the Cherokee Nation?
A Yes, sir.
Q By blood? A Yes, sir.
Q Whom do you desire to enroll? A My family.
Q Wife and children? A Yes, sir.
Q How many children have you? A Six/
Q Yourself, wife and six children? A Yes, sir.
Q What is the name of your wife? A Bessie.
Q What was her name nefore you married her? A Willis.
Q A Cherokee citizen by blood? A No, sir.
Q When did you marry her? A '92.
Q How old is she A Twenty eight years old.
Q Have you a certificate of marriage? A Yes, sir.

Com'r. T. B. Needles: Applicant presents a certificate of marriage, certifying that he on the 2nd day of November, 1892, he was married to one, Miss Bessie Willis, a non citizen, under a license issued from the United States Court, Northern Judicial District.

Q Is Bessie your first wife? A Yes, sir.
Q Are you her first husband? A Yes, sir.
Q Have you been living with her continuously since you married her? A Yes, sir.
Q Living together now? A yes, sir.
Q Give me the name os your children? A Marion.
Q How old? A Seven years old.
Q Next one? A Maggie.
Q Five years old? A Yes, sir.
Q Next one? A Luther.
Q Three years old? A Yes, sir.
Q Next is Liddie? A yes, sir.
Q Ten months of age? A Yes, sir. And we have one born yesterday.
Q What is its name? A Margaret.
Q About one day old? A yes, sir.

Tribal rolls of the Cherokee nation examined and the name of the applicant appears on the Pay Roll of 1894 as follows:
Page 37, #819, James Graham, Canadian District.

Q What is your father's name? A John W. Graham.
Q Is he living? A yes, sir.
Q What is your mother's name? A Missouri.
Q Is she living? A Yes sir.

Applicant's oldest child identified on the Pay Roll of 1894 as follows:
Page 37, #820, Marion Graham, Canadian District.

Q How long have you lived in the Cherokee Nation?
A I have lived here about sixteen years.
Q You claim citizenship through your mother? A yes, sir.

JAMES M. GRAHAM ET AL.

--2--

Com'r. T. B. Needles: The name of James M. Graham is found upon the pay roll of 1894; he makes satisfactory proof of marriage to one, Bessie Willis, a non citizen in the year 1892; the name of his oldest child, Marion Graham is found upon the pay roll of 1894; applicant avers that he is the child of ~~Emma~~ Missouri Graham, who was admitted to citizenship by the constituted authorities of the Cherokee Nation on September 9th, 1884, he at that time being a minor; satisfactory proof is made as to the admission of said Missouri Graham: Now comes the Cherokee Nation by its represenatives and protests against the enrollment of James M. Graham and his children as Cherokee citizens by blood and his wife, Bessie Graham as a Cherokee citizen by intermarriage; consequently final judgment as to the enrollment of the said James M. Graham and his children as enumerated herein as Cherokee citizens by blood and his wife, Bessie Graham as a Cherokee citizen by intermarriage will be suspended and their names will be placed upon a doubtful card.

In order to complete the enrollment of his children, Maggie, Luther, Liddie and Margaret it will be necessary for the applicant to file proof of the birth of said children.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R R Cravens

Subscribed and sworn to before me this 23rd day of Febuary, A. D., 1901.

W S Fields

COMMISSIONER.

N 1126 B

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 23 1901

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

Graham

CHEROKEES BY BLOOD AND ADOPTION.

FEB 23 1901

Date FEB 23 1901 1900.

1 Name Wm. H. Graham, New Eagle, N.T.

District Cowskin Year 1899 Page 32 No. 319

Citizen by blood yes Mother's citizenship Cher. Wm. H. Graham

Intermarried citizen No Husband

Married under what law

Date of marriage

License Certificate

Wife's name Bessie Graham, nee Wilds

District Year Page No.

Citizen by blood No Mother's citizenship

Intermarried citizen yes

Married under what law U. S. Date of marriage Nov 2, 1892

License Filed Feb 23, 1901 Certificate Filed Feb 23, 1901

Names of Children:

3 Marion Graham Cowskin Dist. Year 1899 Page 32 No. 320 Age 7 8

4 Maggie Dist. Year Page No. Age 5 6

5 Lewis Dist. Year Page No. Age 3 —

6 Ridge Dist. Year Page No. Age 10 22 mo

7 Margaret Dist. Year Page No. Age 1 day

8 Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Not Cal. 1894 will as Miss Graham

Nos 4, 5, 6, 7, Birth certificates required.

Carey. Make reference to other "Graham" cards.

HFR.

Cherokee D 1128.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 17, 1902.

In the matter of the application of James M. Graham for the enrollment of himself and his six minor children, Marion, Maggie, Luther, Liddie, Margaret and Floyd Graham, as citizens by blood, and for the enrollment of his wife, Bessie Graham, as a citizen by intermarriage, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

JAMES M. GRAHAM, being sworn, testified as follows:

By the Commission,

Q Your name is James M. Graham? A Yes, sir.
Q How old are you? A I am thirty-three years old.
Q What is your postoffice? A Muskogee.
Q Are you a Cherokee by blood? A Yes, sir.
Q Are you an admitted citizen? A Yes, sir.
Q Who is your mother? A Missouri Ann Graham.
Q She was admitted in 1883, wasn't she? A Yes, sir.
Q Have you been living in the Cherokee Nation since '83? A Yes, sir, except what time I have been in Muskogee.
Q Been living in the Indian Territory all the time since '83?
A Yes, sir.
Q What's your wife's name? A Bessie Graham.
Q Is she a Cherokee? A Yes, sir.
Q When were you married to her? A 1892.
Q Were you her first husband? A Yes, sir.
Q Been living together since your marriage? A Yes, sir.
Q Never been separated? A No, sir.
Q Living together now? A Yes, sir.
Q How many children have you? A Four children.
Q Any dead? A Two dead.
Q Marion, Maggie, Luther -- A Liddie is dead. Margaret is dead.
Q When was Floyd born? A Third of last February.
Q Have you made application for his enrollment? A Yes, sir, I put it in the time those two deaths were recorded here.
Q How old is your oldest child? A In his ninth year.
Q The next one? A The next one is in her seventh year.
Q And Luther is how old? A In his fifth year.
Q Floyd Graham is living? A Yes, sir.
Q Marion, Maggie and Luther are living? A Yes, sir, are living except them two.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 17th day of November, 1902.

[illegible]
Notary Public.

To be filed with C. D. 1128, James M. Graham et al.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I. T., SEPTEMBER 17th, 1900.

IN THE MATTER OF THE APPLICATION OF Francis Marion Dawson, wife ... for enrollment as citizens of the Cherokee Nation, and ... sworn by Commissioner, C. R. Breckinridge, testified as ...:

Q What is your full name? A Francis Marion Dawson.
Q What is your age? A I am fifty eight years old.
Q What is your Postoffice? A Oocoma.
Q What District do you live in? A Delaware.
Q Who is it you want to have enrolled? A Myself and family.
Q Your wife? A Yes, sir.
Q How many children? A Six.
Q Do you apply for enrollment as a Cherokee by blood? A Yes, sir.
Q Is your wife a Cherokee by blood? A No, sir; she is a white ...
Q How long have you lived in the Cherokee Nation? A Since 1883.
Q Were you admitted by the Cherokee Commission? A Yes, sir.

The applicant presents a duly authenticated certificate of admission to citizenship, showing that on the 11th day of January, 1883, certain persons were admitted by the Commission on citizenship, and among them appears the name of F. M. Dawson.

Q That is your name is it? A Yes, sir.

This is recognized as satisfactory evidence of the facts stated.

Q Have you lived in the Cherokee Nation ever since your admission?
A Yes, sir; in Delaware District ever since.
Q Give me the name of your wife? A Katie Dawson.
Q How old is she now? A Forty five.
Q Was she admitted with you? A No, sir.
Q Have you married her according to Cherokee law since your admission? A No, sir.
Q You have not remarried since your admission? A No, sir; it was not necessary.

The applicant presents a duly authenticated marriage license and certificate, showing that he was married to his wife, as stated by him, in 1880, by the Reverend H. W. Goudelock, in Carrol County, Arkansas, the license being issued by the Clerk of that County.

These papers are filed herewith.

Q Your wife was not admitted by the Cherokee Commission, when you were? A No, sir.
Q Or at any other time? A No, sir.
Q By act of the Commission or Council? A No, sir; she was placed on the rolls.
Q On the census rolls? A Yes, sir.
Q Give me the names of your children, please? A Lula.
Q How old? A Seventeen.
Q Next child? A Ray.
Q How old? A Fifteen.
Q Next child? A Jessie Jane.
Q How old? A Fourteen.
Q Next child? A Jacob Levy.
Q How old? A Ten.
Q Next child? A Hugh A.
Q How old? A He is eight I believe.

Q Next child? A Laura.
Q How old is that child? A She is four years old.
Q Is that all? A Yes, sir: six of them. I have others, but they are not at home.
Q Are they married? A No, sir.
Q Are they over age? A Yes, sir.

(1896 Roll, Page 461, #902, Francis Marion Dawson, Delaware.)
(1896 Roll, Page 580, #185, Katie Dawson, Delaware District.)
(1896 Roll, Page 461, #903, Lula Dawson, " ")
(1896 Roll, Page 461, #904, Ray Dawson, " ")
(1896 Roll, Page 461, #905, Jesse James Dawson, Delaware Dis't.)
(1896 Roll, Page 461, #906, Joseph Lewy Dawson, " ")
(1896 Roll, Page 461, #907, Hugh A. Delaware Dawson," ")
(1896 Roll, Page 461, #908, Laura Albertie Dawson, " ")

Q Is this Lula or Luly? A Luly.
The applicant applies for the enrollment of himself, wife and six children.
Q Were these children all born since you were admitted into the Cherokee Nation? A Yes, sir.

The applicant is shown by the certificate of admission, cited in the testimony, to have been admitted to Cherokee citizenship, by the Commission on Citizenship, January 11th, 1883; he is identified on the roll of 1896, but the representative of the Cherokee Nation desires to make inquiry into the methods of that time, and for that reason, the application of the applicant will at present be placed on a "Doubtful Card." He has lived in the Cherokee Nation ever since his admission to citizenship. His wife was married to him under United States law, and was married prior to his admission: she has never been remarried according to Cherokee law. She has lived with him ever since his admission to citizenship, and she is identified on the roll of 1896. The application for her enrollment will be placed on a "Doubtful Card".

Their six children, as enumerated in the testimony are identified on the roll of 1896: They are living at this time, all having been born since his admission (Applicant's) . These children will be placed with him on a "Doubtful Card". The applicant's marriageto the mother of these children is established by the marriage license and certificate filed herewith. If any additional papers, whereso are developed in this case, he will be given timely notice thereof.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) F. R. Crevens.

Subscribed and sworn to before me this 10th day of September, 1900.

(Signed) C. R. Breckinridge,

Commissioner.

BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment :
of F. M. Dawson and others as :
Cherokee citizens. :

Depositions of sundry persons in behalf of the applicants for enrollment mentioned in the title, taken before me, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, at the office of G. B. Denison in the Gray-Halsell building in the town of Vinita, Indian Territory, on Thursday the fourth day of October 1900, between the hours of one and a half o'clock and six o'clock in the afternoon of said day, in accordance with the agreement to take testimony, entered into between the applicants and the Cherokee Nation, by their respective attorneys, which agreement is hereto attached.

T. F. Thompson, being produced by the applicants, being first duly sworn to testify to the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION BY G. B. DENISON:

Q State your name, age, residence and occupation?
A T. F. Thompson, 52 years old, I live near Vinita, Cherokee Nation, I. T. I am a farmer.
Q How long have resided in the Cherokee Nation? A All my life.
Q Are you a citizen of the Cherokee Nation as now constituted?
A Yes, sir.
Q Upon what is that citizenship based, blood or otherwise?
A Blood.
Q What, if any official position have you held in the Cherokee Nation, and at what time?
A I was elected to the Cherokee Council in 1870 some odd, I don't remember the exact year, I was also on the Commission Court.
Q Do you remember when that was? A Some tim in 1880 or 1881, I think, it may have been earlier.
Q Did that Commission or Court have anything to do with admission to citizenship in the Cherokee Nation? A Yes, sir.
Q State, if you remember, how many members of that Commission or Court there were, and who they were besides yourself?
A There were three, Tehee, Wolf and myself, Tehee was President of the Court.
Q Where were the sessions of that body held? A Tahlequah, Cherokee Nation.
Q Did you have a Clerk? A Yes, sir.
Q Do you remember who that was? A D. W. C. Duncan.
Q Do you know whether the members of that Commission beside yourself, are living or dead? A Yes, sir, they are both dead.
Q Can you recollect now what period of time that Commission lasted?
A About two years I think, two, sessions, and there was one session each year.
Q Were the sessions of that body held in Tahlequah, open to the public at all times when it was in session?
A Yes, sir.
Q Were the cases coming before that body heard in open session?
A Yes.
Q Witnesses examined orally? A Yes, sir.

...ments of the Court or Commission pronounced in open session?
...n case of decisions I think they sometimes had secret sessions,
...the judgments of the Commission were pronounced openly.
...t you intended to convey by you answer to the former question
...that after hearing the proof the Commission or Court deliberated
...secret session upon the testimony taken before reaching a
...ion or announcing it? A After hearing all the testimony we
...'s secret session.
...present you with a paper which the Notary will mark
...t "A" and a copy of which he will attach to your deposition,
...ill ask you if with the exception of the certificate of record
...L. Bragdon, Clerk, and John L. Adair Asst. Ex. Secretary,
you recognize it as a paper you have ever seen before?
A I recognize the signature to it, but don't remember the instrument.
Q Which signature on that paper do you recognize? A My own.
Q That signature is in your own handwriting? A Yes, sir.
Q Do you know whether Thomas Tehee, president of the Commission
...write in English or not? A No, I don't think he could.
Q How as to Alexander Wolfe, a member of the Commission?
A I don't think he could write either, I don't think either of
them ever wrote except by touching the pen.
Q Were you, and are you familiar with the handwriting of D. W. C.
Duncan the Clerk of that Commission?
A Tolerably well, but it has been a long time since I saw any of it.
Q Will you look at the paper again and say whether you recognize
his signature attached thereto?
A Yes, that is his signature to the best of my knowledge.
Q Do you preserve any personal recollection of the application
before that Commission of F. M. Dawson and other members of the
Dawson family, to be admitted as citizens of he Cherokee Nation
by the Commission?
A I remember F. M. Dawson and his brother, that is about the only
ones I remember.
Q The question was not as to the personal recollection of the
individuals, but as to the claim being presented by the Dawsons
for admission?
A Yes, there was such a claim before the Commission.
Q Can you state as to the citizenship of Thomas Tehee, whether he
was a citizen of the Nation by blood or not?
A Yes, sir, he was always recognized as such, full blood besides.
Q What is your knowledge of Alexander Wolfe?
A About the same, he was also a full blood and recognized as a
Cherokee.
Q Judge Thompson, if you possessed or had, or have now any
knowledge of any corruption or bribery of the court or Commission,
or any member of it by F. M. Dawson or any of the Dawson family
or anybody connected with the presentation of their claim for
citizenship, state it fully?
A None whatever as far as I was concerned, and I don't think there
was by the balence of the Court.

CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q Do you mean to say Mr. Thompson that your name attached to the certificate shown you is in your handwriting?
A Yes, sir.
Q When Mr. Duncan certified that this is a transcript of the decision in the case, he is mistaken, that is the original?
A No, I don't know, that may be the original, if that is not the original I did not sign it, if it is the original I signed it.
Q You state that the witnesses were examined orally before the Court, don't you know that in almost every case you took ex parte

af[illegible] of witnesses when those witnesses were not present?
A [illegible] ex parte evidence out, as well as I remember.
Q [illegible] have any stenographer or anybody to copy the evidence?
Mr. Duncan did all of the copying.
Q [illegible] evidence copied and preserved?
A Yes, sir, I think it was.
Q What was done with that evidence, where was any of it ever put?
A [illegible] it is at Tahlequah in the office of the Treasurer or [illegible]
Q [illegible] what secret session did you have Mr. Duncan read [illegible] to you?
A [illegible] we went over the evidence thoroughly.
Q [illegible] did the applicants or their attorneys admission to [illegible] secret sessions?
A [illegible]
Q [illegible] got ready to render your decisions did you then send for the applicants or their attorneys?
A No, sir.
Q [illegible] rendered them in secret also, did you? A Yes, sir.
Q Have you any recollection who testified in the Dawson case, as to [illegible] claim? A No, sir, I have not.
Q Have you any recollection as to who they claimed their Cherokee ancestors were? A Yes, sir, they claimed the Rogers.
Q Did they claim relationship with any of the present families of Rogers residing in the Cherokee Nation?

The applicant objects to this question as tending to elicit testimony wholly incompetent and irrelevant to the issue, and not cross-examination of this witness.

A I don't know that they did, particularly.
Q Did your court determine when they claimed descent through [illegible] family, that that family was of Cherokee blood?

The applicant objects to the question upon the same [illegible] objection to the previous question.

A [illegible] did not they produced.
Q [illegible] you make them prove that that family was well known at one time to be connected with the Cherokee Nation, and were [illegible] thereof? A Yes.
Q [illegible] attorney for the Dawsons? A Old man Houston Benge.
Q [illegible] Reese or Wolfe speak English? A They could understand [illegible] they never spoke English, they had an interpreter.
Q Did you ever talk to either of them as to whether they got anything for deciding this case? A No, sir.
Q How long were you considering the case altogether?
A I could not say as to that, I think we were on it two or three weeks anyhow I could not say positively now, they were a long time getting in testimony.
Q There were only two or three witnesses examined all told, were there not?
A I think so, where I think, they had quite a lot of affidavits, but we did not consider them.
Q Well the court was a good while arriving at its conclusion after the evidence was closed?
A Yes, quite a good while, I don't remember the exact time.

RE-DIRECT EXAMINATION:

Q Do you remember who the interpreter the Commission had during the hearing of the Dawson case.
A His name was Reese, I forgot his given name.

Q Do you now whether he is living or dead?
A I don't know, he seemed to be in bad health at the time we had the case up, I think they are all dead but me and Mr. Duncan.
Q What was he, a Cherokee by blood?
A He was considered a Cherokee by blood.
Q Do you know where he lived at that time?
A No, sir, he lived in the South part of the Nation though, I think in Sequoyah.

(Signed) T. F. Thompson.

Copy of Ex. "A" to T. F. Thompson's testimony.

CERTIFICATE OF RECORD.

United States of America,
Indian Territory,
Northern District.

I, Marshall L. Bragdon, Clerk of the United States Court in the Indian Territory, her by certify that the instrument hereto attached was filed for record in my office the 9 day of March, A. D. 1893, at 10-30 o'clock A. M. and duly recorded in book C. Micl Record Mortg. & Liens, page 339,

Witness my hand and seal of said court at Muscogee, in said Territory this 16 day of March, A. D. 1893.

(SEAL)

M. L. Bragdon,

Clerk.

Transcript to which this is attached, endorsed on back as follows:

"No. 108, Robt. Dawson et al, VS the Cheroke Nation, Transcript of Judgment, Filed Mar. 9, 1893 10-30 A. M. Marshall L. Bragdon, Clerk.,

OFFICE OF COMMISSION ON CITIZENSHIP,
TAHLEQUAH, CHEROKEE NATION, JANUARY 11th, 1883.

No. 108 Robt. Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilbron Dawson, James Dawson, Rial Dawson,

VS,

The Cherokee Nation.

And now on this, the 11th day of January, A. D. 1883, this case coming on for final hearing and all the evidence produced in the case being carefully read and duly considered by the Commission, it was adjudged and determined by the Commission on Citizenship, that the claimants, Rob't Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilbron Dawson, James Dawson, and Rial Dawson, are Cherokees by blood; and that they are entitled to all the rights and priviliges of Cherokee citizenship within the Cherokee Nation, and that they should be, and they should be, and they are hereby

admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

D. W. C. Duncan, Clerk of Commission.) Thomas Tehee, President of Com. Alex Wolf,) Commissioners. T. F. Thompson,)

I hereby certify that the above is a correct transcript of the decision of the Commission on Citizenship in the above entitled case as appears of the record in my office.

D. W. C. Duncan,
Clerk of Commission.

January 11th, 1883.

Executive Department,
Tahlequah, Cherokee Nation,
January 11th, 1883.

I hereby certify that the within named Commission on Citizenship, composed of Thomas Tehee, President, Alex Wolf and T. F. Thompson, are now and were at the time the within named persons were admitted to Cherokee Citizenship, a duly authorized and Commissioned Commission on Citizenship, and that their actions as such are legal and binding.

Witness my hand the

Witness my hand and the seal of the Cherokee Nation, on the date above written.

John L. Adair,
Asst. Ex. Secretary.

United States of America,
Indian Territory,
Northern District,

I, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, do hereby certify that the above and foregoing two pages, consisting of this one and the preceding one which is attached hereto, is a true, complete, and perfect copy of the transcript of the judgment of the Commission on Citizenship as the same was presented to me during the examination of T. F. Thompson as a witness, and identified by me at the time by writing thereon "Exhibit A" to testimony of T. F. Thompson, L. T. M. - N. P. Oct. 4, 1900." The foregoing copy having been carefully compared by me with the said original.

Given under my hand and seal of office as such Notary Public, this 4th day of October, A. D. 1900.

(SEAL) (Signed) Lewis T. Martin.

Notary Public.

My commission expires Feb 3rd. 1902.,

D. W. C. Duncan being produced by the applicants after being sworn to testify to the truth, the whole truth and nothing but the truth testified as follows:

DIRECT EXAMINATION BY G. B. DENISON:

Q Please state your name, age, residence and occupation?
A My name is D. W. C. Duncan, my age is 70 years, my residence is Vinita, Indian Territory, my occupation is a farmer.
Q How long has that been your place of residence? A Since 1874.
Q Are you a member of the Cherokee Nation as it is now constituted?
A Yes, sir.
Q Upon what is your citizenship based, a Cherokee by blood?
A Yes, a Cherokee by blood.
Q In January 1883, did you hold any official position in the Cherokee Nation, if so, what was it?
A About that time I held the position of Clerk of the Citizenship Court or Commission.
Q If you remember the names of themembers of that Commission or Court, please give them?
A The President of the Commission was Tehee I believe, and a member by the name of Wolfe whose first name I do not recollect, and Mr. Thompson here.
Q T. F. Thompson?
A Yes.
Q Do you know whether those three members of that Commission were recognized citizens of the Cherokee Nation, and whether their citizenship was based upon blood or not?
A They were supposed to be citizens of the Cherokee Nation and their citizenship was based upon their blood.
Q Will you please look at the paper now handed you which the Notary has marked exhibit "A" to the deposition of Mr. T. F. Thompson, and a copy of which he will attach to Mr. Thompson's depositions, and state whether with the exception of the certificate of H. L. Bragdon, Clerk, and of John L. Adair Asst. Ex. Secretary, you recognize the paper as one you have ever seen before?
A Yes, I think I have seen this before.
Q When, and where, if you remember, did you first see that paper?
A This is a paper I drew up at the time I was acting as clerk of the said Citizenship Court.
Q Looking at its date, was it drawn at you at the time it bears date?
A To the best of my recollection it was drawn at the date specified.
Q Do you recognize the signature to the certificate attached to that paper?
A Yes, that is my signature.
Q State if you know, in whose handwriting the body of the paper is?
A It is in my handwriting.
Q And at that time you were Clerk of that Commission? A Yes.
Q Will you please look at the signatures of the members of the Commission as they appear on that paper, and state if you can, by whom they were written?
A I think the first two is my handwriting, the last I recognize that as T. F. Thompson's.
Q Explain please, how you came to write the signatures of Thomas Tehee and Alex Wolfe to that paper?
A Thomas Tehee and Alex Wolfe were full bloods and could not write, and in their presence, and at their request I wrote their signatures.

Q ... that the usual manner of certifying to the action of the Commission as applicants as to the decision of their application for citizenship, where admitted?
A ... In all instances where it was necessary for the Court to sign a paper of any kind it was adopted by that Court for the Clerk to sign Tehee's and Wolf's names and T. F. Thompson to sign his own.
Q ... You didn't catch exactly my idea, but perhaps that answered it, what I intended to call you attention to, was whether when applicants had been admitted to citizenship a paper of this kind now shown you, signed by the judges as you have explained, and certified by you as a transcript of the proceedings was issued?
A ... My recollection is that a transcript of the judgment was issued to the applicant when they were admitted at their request, the judgment red upon the record when they were admitted and signed by the judges, and whenever the transcript was delivered to the applicants I think it was signed by the judges.
Q ... Have you had any knowledge at the time the application of the Dawson [illegible], and others whose names are mentioned in that paper, was pending before that Commission, or before or after, of any corruption or bribery, or attempted corruption or bribery of the Commission or any of its officers, by F. M. Dawson, or any person connected in any manner with the claim of the Dawsons to citizenship in the Cherokee Nation, state it fully?
A ... I never heard a thing of the kind, I know nothing of the kind, all that I have ever heard about a question of that kind is what has originated recently, since the enrollment business has been completed.

CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q ... As you certify, this paper was a transcript of the record, why did you have the judges sign it?
A ... I know no reason further than that was the practice at that time, the members of the Court being present I presume it was thought it would be as good or better than the signature of the Clerk.
Q ... Examine that signature of Mr. Thompson, examine the first T in his name and the T in Tehee's name and see if it is not all your own handwriting?
A ... No, I would not call that mine, there is a resemblance between the letters but I am satisfied it is a mere fortuity, accidant.
Q ... Now was the evidence taken in those cases?
A ... It was taken by the witness being present and detailing his knowledge of the case, I wrote it down sentence by sentence as it was delivered.

Q ... Do you know whether that evidence is in existance or not?
A ... I do not, the last I saw of it was when I turned the records over to the Executive office at Tahlequah, and I have not seen it since.
Q ... You say you never heard any talk about this being an improper case until very recently?
A ... Well that would depend upon what you mean by recently, I don't think I ever heard of it prior to three years ago, I can safely say that did not.

Q Do you remember through what ancestor they claimed their right to citizenship here?

Objected to by applicants because the question tends to elicit testimony which is wholly incompetent and irrelevant, and because it is not proper cross-examination.

A They claimed their right of citizenship through a man by the name of Rogers, I don't recol ect his first name.
Q Do you know how many Rogers families there are who have citizenship in the Cherokee Nation?
A I do.

(Signed) D. W. C. Duncan.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT,

I, LEWIS T. MARTIN, a Notary Public in and for the Northern District of the Indian Territory, do certify that the foregoing depositions of T. F. Thompson and D. W. C. Duncan were taken before me at the time and place and in the action mentioned in the caption, and said T. F. Thompson and D. W. C. Duncan, having been first by me sworn that the evidence they should give in this matter should be the truth, the whole truth and nothing but the truth, and that their statements were reduced to writing by me on the typewriter in their presence; the claimants being present in person and by their attorney G. B. Denison, and the Cherokee Nation being represented by W. T. Hutchings Esquire its attorney,.

Given under my hand this 4th day of October, A. D. 1900.
(SEAL) (Signed) Lewis T. Martin.

Notary Public.
My commission expires 2/3/1902.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 8, 1902.

In the matter of the application of Francis Marion Dawson et al for enrollment as citizens of the Cherokee Nation,. He being sworn and examined by the Commission, testified as follows:

Q What is your name? A Francis Marion Dawson.
Q How old are you? A Soon will be sixth years old.
Q What is your postoffice address? A Afton now, it used to be Oseuma.
Q What was the name of your wife? A My first wife was Julia Ann Howard.
Q She was a white woman? A Yes, sir.
Q When were you married to her? A I think it was the 8th of January, 1864.
Q Where were you living at that time? A In Arkansas.
Q Who married you? A A man by the name of Dave Sturdy.
Q Was he a preacher? A Yes, sir.
Q A Minister of the Gospel? A Yes, sir.
Q Did you and she live together as husband and wife up to the time of her death? A Yes, sir.
Q Did you have any children by her? A Yes, sir.
Q What are their names? A William R. Dawson.
Q The next one? A Francis Marion Dawson Jr.
Q The next one? A Johnnie.
Q The next child? A Elizabeth.
Q The next one? A Arizona Allred.
Q Those are all the children you had by your first wife? A Yes, sir.

Joseph R. Dawson, being sworn and examined by the Commission, testified as follows:
Q What is your name? A Joseph R. Dawson.
Q How old are you? A I will be 51 the 18th day of June.
Q Are you related to the applicant here in this case, Francis M. Dawson? A Yes, sir.
Q How are you related to him? A Brother.
Q Did you know his former wife, Julia? A Yes, sir.
Q Is she living or dead? A She is dead.
Q Was she a Cherokee or white woman? A I couldn't say what; She they married in the states.
Q Do you know when he was married to her? A Yes, sir.
Q When was it? A About the close of the war.
Q Who married them? A Parson Sturdy.
Q Were you present when they were married? A Yes, sir.
Q Did they continue to live together as man and wife up until the time his wife Julia died? A Yes, sir.

John K. Stevens, being sworn and examined by the Commission, testified as follows:
Q What is your name? A John K. Stevens.
Q How old are you? A 56 years old.
Q What is your postoffice address? A Afton.
Q Are you acquainted with the applicant here in this case, Francis M. Dawson? A Yes, sir, as we call him, Bud Dawson.
Q How long have you known him? A My first acquaintance with him was in '61.
Q Did you know his first wife, Julia? A Yes, sir.

Q Do you know whether or not they were married? A Yes, sir, they were married.
Q Were you present at the marriage? A No, I wasn't present at the marriage.
Q Did you see them soon after their marriage? A Yes, sir.
Q Did you continue to know them for any length of time afterwards? I knowed them as long as she lived.
Q During the time you knew them did they live together as husband and wife? A Yes, sir.
Q Were they recognized in the community as such? A Everybody recognized them.

This testimony will be filed with and made a part of the record in the following Cherokee cases:
Arizona Allred et al D-835, John Dawson, D-580, William R. Dawson D-581, Lizzie Dawson D-584 and Francis M. Dawson Jr. D-588.

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I, the undersigned stenographer to the Commission to the Five Civilized Tribes, do hereby certify that I recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) E. G. Rothenberger.

Sal. - C. D. #324.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 17, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of FRANCIS M. DAWSON, ET AL., as citizens of the Cherokee Nation:

The case having been set for final hearing March 17, 1902, the following proceedings were had:

APPEARANCES:
Mr. A. S. McKennon, of counsel for applicants;
Mr. W. T. Hutchings, of counsel for Cherokee Nation.

Mr. Hutchings: Comes now the Nation on the calling of this case and announces that it is ready for trial, provided permission is given to hereafter examine before the Commission, either at this place or Fort Gibson, the witness S. H. Benge, who has been regularly summoned to attend at this day and time but who is too sick to travel at this time and probably will be for some time to come. As evidence of a good faith of the Nation we hereby present an affidavit of the facts sought to be proven by the said Benge. If the applicant's counsel are willing to concede that the witness if present would testify to the facts herein set forth, the Nation is ready to proceed to trial without reservation of any kind. If they are not it desires to reserve this privilege of hereafter, either tomorrow or otherwise, this case being set for to-day and tomorrow, of examining before the Commission, or its authorized officer, this witness as above set forth.

Mr. McKennon: Applicants object to the introduction of the paper presented and do not admit that the witness, Samuel H. Benge if present would testify to the facts therein stated. They consent and desire that the testimony of said Benge be taken before the Commission at its office in Muskogee but not elsewhere, and protest against it being taken at any other place, with the understanding, however, that when taken we have opportunity to introduce any evidence we may desire in rebuttal.

Mr. Hutchings:
The Nation will pay all the expenses of the opposing Counsel, their client and Commission officers in taking the deposition at Fort Gibson.

Commissioner Breckinridge: The allegations of this witness are material in their character and are quite tangent. The Commission of its own volition would acquire information of that character if it knew of its existance anywhere. While the functions of the Commission, as well known are in many respects judicial, yet it is bodied with somewhat complex powers, such as Congress creates from time to time to do business of certain character, and it is ordered to make a correct roll, which is a duty largely independent of hearing simply what is brought before them; it must be the architect and constructor of that roll and if evidence is not brought before it before the Commission it must go out and get it, to be uniform on that construction of the law. The Commission, therefore, desires this information independent of any counsel on either side both with respect to the applicant and to the Nation, and if this witness is

i' not able t' come one of the Commissioners will go to Fort Gibson and to his bed-side, or send a proper official, if necessary to take his testimony. The only matter to consider, therefore, is one of convenience with respect to getting this testimony. Now, I understand that this witness is an extreme sufferer from Bright's Disease he is an old man and he may never be able to get out of the house, and it may be an injustice to him to subject him to a trip here, and therefore it seems to me better that counsel for plaintiff submit [illegible] a form of taking a deposition or else accompany an official of this Commission over to Fort Gibson and let his testimony be taken there.

After consultation with the attorneys upon the two sides it is found to be agreeable that the parties start to Fort Gibson tomorrow morning at half past eight o'clock, and it is agreed then that they proceed with an official of the Commission with a stenographer leave from the office of the Commission for Fort Gibson at 8:30 tomorrow morning.

FRANCIS M. DAWSON, the applicant, re-called for additional cross-examination on part of the Cherokee Nation:

MR. HUTCHINGS:

Q What is your name? A Francis M. Dawson.
Q Where do you reside? A In Afton.
Q You have been examined in this case heretofore, have you?
A I don't know which case it is.
Q In your own case? A Yes, sir.
Q Are you the one that is commonly called Bud Dawson? A Yes, sir.
Q You made the original application in the Dawson family for admission to citizenship in the Cherokee Nation, didn't you? No, sir; my brother.
Q What was his name? A A. E. Dawson.
Q You and Robert Dawson and Elbert Dawson and others applied September 24, '81, about that time? A Yes, sir.
Q And you were admitted about the 11th of January '83? A Yes, sir.
Q There were other members of your family that applied and were admitted after that time? A Yes, sir.
Q Do you or not remember the evidence offered in theirs to substantiate their cases was the relationship between yourself and Robert and others and the evidence of your admission by the Tehlequah Court. In all the subsequent admissions I mean the only evidence offered was the fact that you and your brothers had been admitted before and that they were kin to you; that was the only evidence offered in any subsequent cases, wasn't it; so far as you know?
A That is afterwards?
Q Yes, afterwards? A I think there was some other evidence introduced.
Q Don't you know that there was never any evidence offered in any other case except evidence of Dr. Baker of Arkansas? A Yes, sir.
Q Who else? A Oliver Miller.
Q Who was Oliver Miller; the records in this case have been somewhat destroyed and mutilated? A Oliver Miller also lived in Arkansas.
Q What was he, who was he? A He is no kin to me at all.
Q Well, what station in life did he occupy; was he a farmer?
A Yes, sir, farmer.
Q Were you present when he testified? A Yes, sir.
Q Were you present when Dr. Baker testified? A Yes, sir.

Q Have you a fair recollection of the testimony of those two men?
A No, not at all.
Q You don't read do you, Mr. Dawson? A No, sir, I dont read nor write; I can barely write my name.
Q Do you think you would remember the testimony of Dr. Baker if your mind was refreshed on it? A Part of it I think.
Q Were you present when you were admitted? A I was not in the room.
Q You were in Tahlequah at the time? A I was in the town of Tahlequah at the time.
Q I will read this paer to you and desire for you ro say whether or not it was the testimony of Dr. Baker in your case:
(Affidavit of Dr. Arthur Baker read to witness, and asked to be copied in the record later.)
Q Is that the correct transcript of the testimony? A It has been so long ago, I could not say; a part of it is, I could not remember it all.
Q Does that state the facts as to the family history correctly so far as you know about it? A So far as I know.
Q Now, you were a son of what Dawson? A Robert Dawson.
Q How many children did Robert Dawson have, and give me their names? A Elbert Dawson, the oldest; Lila, Jesper, Francis Marion-
Q That is yourself? A Yes, sir; Elizabeth Dawson, Josephine Dawson, John Dawson, Joseph Dawson, Jane Dawson, James Dawson, Dina Dawson, Mollie Dawson, Wilburn Dawson.
Q Thirteen? (No response.)
Q Now, Rober Dawson's father was whom? A Sam Dawson.
Q Who was Sam Dawson's wife, your grandmother? A I have been told.
Q By family history is all you know? A She was called Polly Dawson.
Q Who was Anna Pruitt? A I don't know.
Q Never heard of anybody in the family by the name of Anna Pruitt? A No, sir, that was away back in the old country; I have heard talk about it, old Dr. Baker talked about it.
Q Your grand-mother's name was Polly Dawson? A Yes, sir; I don't remember seeing her but once, she died when I was small, died in Texas.
Q Pollie Dawson? A Yes, sir.
Q Ans she was known to be Pollie Rogers, her maiden name? A Yes, sir.
Q Daughter of Captain John Rogers? A Yes, sir.
Q Now, she died in Texas what time? A I don't remember.
Q Can't you guess at it? A Oh, I could guess.
Q Give your best recollection? A About '58 or '59, or no, '46 or '49; I don't say positive, just guessing at it.
Q How old a boy were you then? A I was born in '42.
Q Have you any distinct recollection of her? A No, sir.
Q Have you any recollection of all the children of Sam and Pollie Dawson; that is, your father, uncles and Aunts? I didn't see all of them.
Q Do you know by family history the names of all of them? A Yes, sir.
Q Will you give them to me?
A Betsy Ann Dawson, I believe her name was.
Q Did she marry a Petty? A Yes, sir; the next is Robert Dawson.
Q Your father? A Yes, sir.
Q Next one? A I think the next was James Dawson, and I think the next one was a girl, Edna Dawson.
Q Did he have two daughters? A Yes, sir.
Q Well sir? A The next one was Joe Dawson; I never saw him; Riley Dawson.

Q That is Samuel R. Dawson, Riley Dawson? A Yes, sir.
Q Any other one? A That is all I know anything about.
Q Did he have any child by the name of John? A Yes, Jack.
Q Didn't you get Jack misplaced with Joe? A No, it was Joe; I have heard my father speak of him.
Q Then they have seven children? A I never see them all.
Q How many of them did you ever see? A I seed uncle Riley Dawson and James Dawson & Jack Dawson and Betsy Ann Petty; I don't think I saw but one of Pa's sisters and brother, they went to Mississippi I think.
Q Do you know what your family history says that the mother of your grandmother, Pollie Rogers' name was? A We have no history.
Q Well, as it was brought down to you; did you ever hear anybody say what your great grandmother's name was? A No, I don't remember.
Q What is that other man, Oliver Millerthat testified in your case?
A He testified in James Dawson's case; he never testified in my father's case.
Q Well, didn't anybody testify in your case but Dr. Baker?
A Yes, sir, several other witnesses.
Q Who were they? A I don't remember; my mother got them witnesses around Tahlequah, old people.
Q Were you present? A No, sir.
Q You were only present when Dr. Baker testified? A Yes, sir.
Q Now, do you find any mistakes in Dr. Baker's statement there?
A I could not say all of that was correct or not, part of it is correct.
Q What part is correct? A Why about knowing the family over there.
Q Who is Buck Dawson? A My brother.
Q What is his name? A We always called him Buck, it is Elbert, E. Dawson.
Q Who went with you the first time you went up to make application for citizenship do you remember? A With my brother.
Q The first time? A I met my brother in Texas.
Q Which one? A E. Dawson.
Q That is Elbert or Buck? A Yes, sir.
Q You were living in Arkansas? A Yes, sir.
Q And he was living in Texas? A Yes, sir, and another one of little brothers, Dr. Dawson now:
Q Dr. Dawson now? A Yes, sir.
Q What is his name? A James.
Q And you three went there? A Yes, sir.

Mr. McKennon: Applicants by their counsel object to all the statement of this witness relating to the testimony introduced before the Cherokee Citizenship Commission, and the history of the family as detailed by him, because the same is incompetent and irrelevant, and cannot be used for the purpose of impeaching the integrity of the judgment of said Commission, or either of the Commissioners in admitting members of the Dawson family.

Commission: The objection of the Attorney for the applicants to the testimony above will be noted. The case will be filed and noted for what it is worth.

(Attorney for applicants waives examination.)

C. H. TAYLOR, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A C. H. Taylor.
Q Where do you reside, Mr. Taylor? A Mr hear Coffeyville.
Q Were you an attorney before various citizenship Courts along in '81 to '87 in the Cherokee Nation at Tahlequah? A Yes, sir.
Q Were you attorney for F. M. Dawson commonly known as Bud Dawson? A Yes, sir.
Q Were you present at the taking of testimony in that case? A No, sir; I wasn't present.
Q Do you know who composed the court that decided the case at that time? A Yes, sir.
Q Who were they? A Tom Tehee and Alex Wolfe and Tommy Thompson.
Q Do you know whether or not they were all there when the case was decided? A No, sir, there were only two of them present.
Q Which two? A Tehee and Wolfe.
Q Who was the Clerk of the Court at that time? A Mr. Duncan, D. W. C. Duncan.
Q Do you know what witnesses were used in the case of Bud Dawson? A No, sir; now I was the attorney in the case and the evidence had already been filed before the Court.
Q When were you made attorney? A I was only called in as an attorney at the— Well, Mr. Duncan came down there, and Mr. Bryant had the case and several other attorneys had the case and he employed me.
Q Did you read the evidence in this case? A No, sir.
Q Did you deliver any money? A Now, I was the attorney in the case and I don't think it would be right for me to make any statement.
Q Now, you have claimed your privilege, I ask that you answer the question? Did Dawson ever send you any money with the direction to pay it to either member of the Court or the Clerk of the Court, D. W. C. Duncan, and if so state the amount? A I had a heap of trouble over this matter.-

Commission: Just answer the question, Mr. Taylor.

A Being the attorney I don't believe it is right for me to answer that question.

Commission: Do you refuse to answer? A Yes, sir.

Q Did the matter to which you object to testifying occur prior to the rendition of the decision admitting to citizenship or afterwards? (No response)

COMMISSIONER BRECKINRIDGE:

Q Do you desire to reply to the last question? A I don't think it is right; I was attorney in the case.
Q Mr. Taylor, do you object to answering that question? A Yes, sir.
Q You refuse to answer that question, do you? A I had rather not answer it.

Q Either answer it or say you won't answer it? A I had rather not answer it.
Q Mr. Taylor, you have answered a number of questions down to this point, but it is at this point that you prefer to plead your privileges, as an attorney, do you? A Yes, sir.

Com'r Breckinridge: The power in regard to these matters is lodged in the United States. The Court is clothed with special power with reference to matters which arise through this Commission. Of course the Commission desires and the Government needs for the making of a correct roll the fullest information possible, but it is subject to the limitations of law, and it is not for this Commission to decide of the law in a matter of this character with any authority as I understand it at this time, but to report the matter to the United States Court and let the Court pass judgment.

Under Section 21 of the Curtis law as it is commonly called Act of June 28 1898, the members of the Commission shall in performing all duties required of them by law, have authority to administer oaths, examine witnesses and send for papers and persons, and the court is clothed with authority to enforce obedience. The law having enumerated certain powers goes on to say so far as all others are concerned to enable said Commission to make rolls as herein required, and to punish anyone who may in any manner or by any means obstruct said work. Now, the Commission will report the facts to the United States Court and let the Court decide whether or not you are within your lawful privilege. It seems that you refuse to answer questions, or at least one question, which tends to establish as to whether or not you are claiming what what is commonly considered a matter of privilege--according to an authority referred to by an attorney, but the enforcement of an answer seems clearly to be a matter for the Court to deal with.

Q Now, Mr. Taylor, in regard to the last question asked you by Mr. Hutchings, one of the Counsel for the Cherokee Nation, I direct that you make answer, and if you refuse I shall report the matter to the United States Court: do you refuse? A Yes, sir.
Q Now, you have read to you, Mr. Taylor, the first of the two questions propounded to you by Mr. Hutchings, and which you declined at the time to make answer; viz; as to whether Mr. Dawson sent you money to pay to the Court or to any officials of the Court, it seems to come to the question as to whether there was any collusion between you and Mr. Dawson and any member of the Court; now, I understand that you refuse to answer that question upon the grounds that you were Mr. Dawson's attorney? A Yes, sir.
Q Now, I require that you answer that question, do you refuse?
A Yes, sir.
Q I shall also report that refusal to the United States Court as it seems to come under the provision of law, relating to conspiracy between you and Mr. Dawson which apparently considered a privilege matter, and you base your refusal now, not upon the ground that you are incriminating yourself, but that you were counsel for Mr. Dawson. I will report the matter to the Court and you will be informed at the time of any proceedings in the matter I caution you not to talk with Mr. Dawson or nay of the applicants in this case.

Mr. McKennon: Applicants do not object and have not objected to the witness answering on account of his privilege as an attorney or for any other cause whatever, they only want to object to the incompetence and irrelevancy of the testimony, with the privilege of cross-examining upon any testimony given by the witness.

COM'R BRECKINRIDGE:
Q You still refuse having the consent of the attorneys in the case to make answer? A I will just ask your Honor to let the matter go over until morning.

Commissioner Breckinridge: It will rest until in the morning at its present status; it is after business hours now.

As for the objection made by Captain McKennon, Counsel for the applicant, it will be taken into consideration, but will not be granted at the present.
(The Commission adjourns until 1:30 P. M. to-morrow afternoon, March 13, 1902.)

Supl.-C. D. #324.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., March 18, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of FRANCIS M. DAWSON ET AL., as citizens of the Cherokee Nation:

Appearances:
Mr. A. S. McKennon, of Counsel for applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

SAMUEL H. BENGE, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Samuel H. Benge.
Q Where do you reside? A Fort Gibson.
Q How old are you? A I am 70 years old, going in 71.
Q Are you a citizen of the Cherokee Nation? A Yes, sir; Cherokee by blood
Q State what official position you have held in the Cherokee Nation and what your general connection with the Nation officially in the last 40 years? A Well, I had several; I have been Sheriff, Councilman, Senator, Delegate to Washington; had a hand in making the treaty of 1866, I am the only one living that signed that treaty; President of the National Council of different tribes of Indians.
Q Were you acquainted with F. M. Dawson, commonly called Bud Dawson? A Yes, sir; I knew him.
Q State you connection with and what you know about his citizenship case before what is known as the Thomas Tehee Citizenship Court? A Mr. Dawson come down, I was living down below here, he come and employed me to tend to his case and we went to Tahlequah, I believe if I ain't mistaken in 1881 and filed his case there; we went several times and continued his case on for the want of evidence, and finally while we was up there we run across one old darkey by the name of Tosh Rogers; we got his testimony and after we got that testimony we concluded that it was sufficient to go into the trial with. Tosh lived here at Fort Gibson, he was a horse trainor down here and stayed here; he claimed that he knew the Rogers and belonged to one of them and after that we thought we had sufficient evidence we submitted our case to the Court for trial, and the Court went to work and rendered a decision against Mr. Dawson.
I told Mr. Dawson right there that "our cake is dough", just made that remark, and he just made the remark "never mind", and next morning they taken up his case again and they rendered a decision in his favor. I filed no motion nor any evidence at all whatever; I give the case up right there and the decision was then given in his favor, and on our way back from Tahlequah, why we got to talking about the case and I told him: "it was a pretty hard blow when they rendered that decision against us." He said: "yes, but Duncan was the man to reach", but he reached him with five hundred dollars.
Q What position did Duncan occupy? A He was Clerk of the Court.
Q Duncan an educated man or-? Yes, sir; he was an educated man.
Q Who were the members of the Court? A Tom Tehee, Alex Wolfe and Tom Thompson.
Q How many of those could speak English at all? A One.
Q Which one? A Thompson.
Q Who was the Attorney that represented the Nation in those cases?
A Wm Sanders.

Q What was his given name? A Wilson Sanders; was it Wilson Sanders?
A Wilson Sanders.
Q Was he an educated man, or could speak English well? A No, sir.
Q Did Mr. Dawson say anything about the matters having cost him a good deal of money? A He said it had cost him a right smart.
Q Was any remark made on the way back about the opening up of the case, and if so, what? A He asked me if I thought the case was ever investigated eventially and I told him I didn't know.

MR. McKENNON:

Q Were you ever a witness in the Dawson case, Judge, in any of those investigations that have been made since that time? A I don't know that you might call it a witness; that young man come to me once at Tahlequah, and asked me to help him up there that the case was going against him, him and his mother and all was about knocked out and I interceded and done what I could there before the Committee. I was not a witness but that is what I don't for him.
Q That was Mr. Graham, wasn't it? A Yes, sir.
Q Have you had conversations with Mr. Graham since that time about it? A Now, I might, I don't recollect, I might have had conversations with him.
Q Well, after the Dawes Commission began taking a census of the Cherokees and when they were about Sallisaw down here, did you have a conversation with him here in Fort Gibson about the matter?
A Now, I just can't tell you; I have seen him on several occasions, but the conversations we might have had I can't state.
Q To refresh your memory I will ask you if he did not tell you that they were making a fight on the Dawson family and he wanted to know of you whether that judgment in favor of Robert Dawson's family was fairly rendered, and did you not then tell him that it was all right, that it was fairly obtained? A Not as I recollect of; all he was; that is as I have stated he talked to me in regard to his mother, himself and probably his brothers and sisters, I don't recollect how many there were, but he told me they were rejected, that is just the words he used.
Q When? A It has been sometime ago.
Q Here in Fort Gibson? A Well, that is I saw him here in Fort Gibson, and then I saw him in Tahlequah.
Q Well, did he here in Fort Gibson ask you particularly about the Robert Dawson judgment, as to whether it was fairly obtained or not?
A No, sir; he was basing his claim on the Dawson case, that is the way he-
Q That is the principal Dawson family? A Yes.
Q When was this other written statement here made, when was this made by you? (referring to affidavit heretofore referred to.)
A Yesterday I reckon.
Q Who come to take this? A Mr. Starr.
Q Who else was present when this was taken? A No, sir.
Q Whom had you told about this matter, Judge? A No one as I know of.
Q Do you know how it was that they knew that you knew this?
A No, sir.
Q You never made any statement? A Never made any statement that I recollect of except I might have talked with Scales, we and him talked about these cases a good many times; if I ever made a statement it was to Joe Ab Scales.
Q How did Mr. Starr know? A I could not tell you how Mr. Starr knew.

Q He came alone here as a Notary Public? A He came alone here as a Notary Public. All he said when he come, he says "we understand that you know something in regard to these cases", I said " what case," and he went to work and named Shoemake case and Dawson case.
Q And thereupon you made this tatement? A He said he wanted to qualify me.
Q Are you certain Judge that after the rendition of that judgment Mr. Dawson came back here to Fort Gibson with you?
A Yes, sir; we was together.
Q Let me ask you if it was not a very cold day when he came here and he went over ahead of you and you went over to Tahlequah the next day or two after he left? A My recollection was he and I went together.
Q And returned here together? A Yes, sir.
Q Did he not leave you there and go back direct to Arkansas?
A No, sir, we came here together. If my memory serves me right, I might be mistaken but then I don't believe I am, he came from Webbers Falls up here to my house, that is according to his statement.
Q What amount of fee did they pay you? A I don't know as that is in connection with the case whatever the money they paid me.
Q How didthey pay you? A Paid me the money.
Q Who paid it to you? A Dawson there and that fellow, young fellow paid me some.
Q Mr. Grahar? A Yes.
Q At the same time? A Oh, no, he wanted me to intercede for him at Tahlequah and paid me to do something for him which I did.
Q I will ask you if Mr. F. M. Dawson h re did not obtain two copies of the judgment one of which you sent in a letter in which you wrote to his brother living in Texas and that brother in Texas, the one they called Buck, didn't send you $50 that they paid you? A No, if I ever got a let er of Buck whatever you might call him, I don't recollect it and if I ever got a nickel from him I don't recollect it. Old man paid me what money I got from it. I don't know nothing about his brothers; he told me he had an uncle living over i Arkansas, but not living down in Texas, I don't know about it.
Q Where did he pay you the money? A Paid it here at home.
Q Before you went out? A He paid me fifty dollars before we went up and when we went up yonder he paid me fifty dollars more; if you want to know what I got, I got one hundredn dollars.
Q You were acting as his attorney in the case? A Yes, sir.
Q How many judges were there present when the judgment was rendered?
A In his case?
Q Yes, sir. A Well, according to my recollect there was all there, but if they were not all there, Tom Thompson was sick. Teher and Wolfe.
Q Don't you remember that they were all present? A No, I think they were present though.
Q Who else was present at the time? A Oh, I could not tell you, there were several people in the house; could not tell you at all.
Q Were there several in the house the evening before the judgment was rendered against them as you say? A Yes, there were several in the house.
Q And several in the house when the judgment was rendered the next day? A I don't know how many there was.
Q Do you remember the names of any of them? A Why not exactly, mostly full bloods.
Q How long didyou remain out at Tahlequah on that trip?
A I guess I was there about three days.

Q Tending to this case alone, or did you have other cases? A no, sir.
Q Do you know of your own knowledge that the judges received any money (this question asked at the instance of Mr. Graham present) A I don't know whether the judges received nay or not.

---oooOOOooo---

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson.

March 18, 1902. Commission convened pursuant to adjournment.

Appearances:
Mr. A. S. McKennon, of counsel for applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. H. TAYLOR takes the stand and continues his testimony.
BY MR. HUTCHINGS:

Q Mr. Taylor, you said you would consider the matter yesterday and let us know whether you would answer those questions today; have you decided what you would do about the matter? A Well, it is like this, of course I don't want to be held as in contempt of the Court.
Q You would be held in contempt and the other Court would make you answer? A That being the case of course I would make a statement.
Q Are you acquainted with D. W. C. Duncan, the Clerk of what is known as the Tehee Citizenship Commission Court? A Yes, sir.
Q Did you ever have any conversation with him about letting him know of the different character of cases that would come up before the Court that you knew of, whether they were good ones or bad ones? A No, the only thing that ever come up in that respect; he asked me if whatever large cases that would come up before the Court to let him know.
Q Did you have any talk with him about the Dawson case during the progress of its trial or before and ever introduced Mr. F. M. Dawson to him, or carry him to him? A I spoke to him when Mr. Dawson came to Tahlequah to see about his case, and he said that he would take the papers over to his room, the Dawson papers.
Q Did you see him again that night? A Yes, sir; after supper I went down to his room.
Q Did he ask you about the Dawsons or Dawson case? A He asked me where Dawson was.
Q Which Dawson are you referring to now, F. M. Dawson, known as ~~Bud Dawson?~~ A ~~Bud Dawson.~~
Q Well, what didyou reply to him? A I told him that I thought he had gone to church.
Q Did you find Dawson after church? A Yes, sir, he told me to come and bring Dawson down and I did so; Dawson was in church.
Q You carried Dawson to him? A Yes, sir.

Q Did you remain during the conversation? A Only a minute.
Q What was said if anything while you were present? A Mr. Duncan spoke to Mr. Dawson and says "there is a hitch in your evidence."
Q Go ahead and state what else he said? A He said "if that was straightened out it would be all right," and I turned and went away, I says, "gentlemen, I will go home."
Q Did you know of their having any other conversation or communication after that? A No, sir.
Q You left them there together yourself? A Yes, sir.
Q Did Mr. Dawson give you any directions the next morning about submitting the case? A Yes, sir, he asked me to call it up the case.
Q The next morning? A Yes, sir.
Q Had there been any additional evidence offered? A No, sir; there was not additional testimony offered.
Q He told you the next morning to call up the case? A Yes, sir.
Q Was it called up and submitted the next morning? A Yes, sir.
Q Now, how many of the members of the Court were there present that morning? A There were only two, two full-blood Indians.
Q Could they speak english at all? A Tehee could talk a little, talk some.
Q Did that Court have open sessions all the time or what is called executive sessions sometimes? A Well, I don't remember about that; it was generally when the case was submitted the attorneys would go out. The parties would go out and they would determine the case.
Q Well, did they go out i to that sort of executive session the next morning on the Dawson case? A Well, we went out when the case was submitted.
Q And was the decision rendered that morning in their favor?
A Yes, sir.
Q Who notified you of the decision of the Court? A Why, Mr. Dawson.
Q Do you remember whether he went out with you or was in there during the consideration of the case? A I think he went out with me.
Q Did you at any time thereafter receive any money, checks or other evidence money from Mr. Dawson with direction to turn it in part over to D. W. C. Duncan, the Clerk of that Court? A Mr. Dawson gave me 20 dollars and said he would send the balance in a short time, said he would send some more money in a short time.
Q Well, did he send any money afterwards? A Yes, sir, in the course of ten days or two weeks he send a hundred dollar check, draft.
Q What did he direct you to do with it? A He directed me to give D. W. C. Duncan half of it.
Q Did you give him half of it? A Yes, sir.
Q Did he send you any at any other time after that? A Well, in the course of a couple of weeks he sent me a hundred dollars more.
Q Did he direct you to turn any of that and if so how much, to D. W. C. Duncan? A He told me to give him half of it,
Q Did you give him half of it? A I did, sir.
Q Do you remember whether on Dr. Arthur Baker was the principal witness in behalf of the Dawson case? A No, sir, I don't because I never had any connection with the case, but I heard that he was a witness in the case.
Q No argument was made when you submitted the case? A No, sir.
Q Just submitted it on the testimony? A Yes, sir.

MR. McKENNON:

Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Were you born and reared in the Cherokee Nation? A No, sir; I was born in the old Nation.

Q Did you remain during the conversation? A Only a minute.
Q What was said if naything while you were present? A Mr. Duncan spoke to Mr. Dawson and says "there is a hitch in your evidence."
Q Go ahead and state what else he said? A He said "if that was straightened out it would be all right," and I turned and went away, I says, "gentlemen, I will go home."
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Q You left them there together yourself? A Yes, sir.
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Q Did you give him half of it? A Yes, sir.
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Q Did he direct you to turn any of that and if so how much, to D. W. C. Duncan? A He told me to give him half of it,
Q Did you give him half of it? A I did, sir.
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Q No argument was made when you submitted the case? A No, sir.
Q Just submitted it on the testimony? A Yes, sir.

MR. McKENNON:

Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Were you born and reared in the Cherokee Nation? A No, sir: I was born in the old Nation.

Q When did you come to the Cherokee Nation? A Come here in 1895.
Q How long have you been practicing law in the Cherokee Nation?
A I think since '68.
Q You have done a great deal of citizenship business haven't you?
A Yes, sir.
Q You were in the United States Court at Fort Smith on charges in regard to the citizenship business? A Yes, sir.
Q Were you convicted there? A Yes, sir; I was convicted there on this very case.
Q And served a term of what length? A I was sent to the jail hospital for sixty days and I stayed in about 38 or 39 days, and I was released.
Q When was that? A I don't remember how long ago it has been.
Q You say it was in regard to this case? A Yes, sir; this case was the bone of contention; Clem Rogers and the Chief, they are the ones that had me arrested, carried to Fort Smith.
Q Well, now, were you charged with an offense against the law in this case, or was it in regard to some other case? A Well, it was in regard to using the mail for fraudulent purposes.
Q Sending out propositions and obtaining case for citizenship for people in the Cherokee Nation? A No, sir, it was for answering correspondence.
Q Not relating to this case at all? A Well, this was the main charge, Clem Rogers went before the Court there and stated that I had got in at least three hundred Dawsons, that they were white people and not entitled to citizenship and that was the main trouble.
Q Well, now, was the charge based upon that or was it based upon your letters you sent out to other people? A That was the charge for using the mail for fraudulent purposes.
Q The use of the mails for fraudulent purposes not in connection of this case was it? A Not particular of this case.
Q Then the trouble you had was the prejudice of Clem Rogers and others caused by your connection with the Dawson case; that is what you mean to say? A Yes, sir.
Q Why did you say because you were charged with an offense based upon this case? A Well, the prejudice grew out of this case.
Q Now, then, you had full conversation with the representatives of the Cherokee Nation as to your testimony in this case, did you not before you came on the stand? A Yes, sir.
Q You had told them of these particulars before you came on the witness stand did you not? A Yes, sir.
Q Yet when you came on the stand you assumed to have conscientious scruples as to answering as to matters which occured between you and your client, Bud Dawson, in relation to this matter and declined to answer claiming your privilege as an attorney did you not? A Yes, sir; I didn't want to make a statement at all in the matter.
Q You had voluntarily made a statement to the representatives of the Cherokee Nation? A Yes, sir; I had stated to Mr. Hastings; he summoned me and I come down here and I didn't want to make a statement to him but he insisted.
Q He had no power to compel you to make a statement? A No, sir.
Q You could then make it very freely and your conscience did not hurt you, but when you came on the stand you were very conscientious about it? A I didn't want to make a statement at all unless I I would be put in jail here if I didn't.
Q But you had armed them with information by which they could ask you these questions when you came on the stand? A I had told Mr. Hastings.

Q You knew when you gave him that information that you would be brought on the stand as a witness, did you not, by reason of that?
A No, I didn't know that I would be compelled to make a statement in the matter, a sworn statement.
Q You thought you would not be compelled to answer?
A I didn't think the law would compel me to make a statement.
Q Why then did you make a statement to him about it? A Oh, he was asking me about it, and I told him that I didn't want to make a statement, and, I didn't for quite a while after I came down here.
Q When the enrollment division of the Dawes Commission was in Tahlequah, in the winter of 1900, did you not there meet F. M. Dawson and did you not then and there say to him "I told Shoemake I would be for him if he would employ me in his case and if he didn't I would be against him, and the same to you?" A No, sir; I said to him this; I says that if there is not something done that I will likely be summoned against you and Mr Shoemake both.
Q What did you mean by that? A Well, I just meant this, I just left the matter with him to say what he wanted to do in the matter; I only spoke a word or two about it. I was going out of town just as he came in.
Q When you told him if something was not done you would be summoned as a witness against him; what did you mean by that? A Well, I just meant that the chances were that the Nation would summon me against him.
Q What did you mean by the expression "if there was not something done" that you would be summoned as a witness?
A Well, I meant this, if I was re-employed in the matter if he was to have a case and I was re-employed I would not be required.

Q You could be required to make a statement as to declarations made to you by your client to you in one instance, but if a little more money was put up you could not be required to make a statement; is that what you mean? A I didn't think I could be forced to make a statement at all in the matter.
Q Why did you make that expression to him "if something wasn't done you might be summoned as a witness" if you believed you could not be made to make a statement? A I meant if I was employed in the case.
Q If he would put up you would not testify? A That they could not force me to testify.
Q About the month of February, 1901, in the town of Wagoner, Indian Territory, did you not send your son to get Graham to come to the hotel at night, and did you not then and there say to Gid Graham; "You people are on the doubtful list and if you will give me $500. I will make it all right and see that you are enrolled and if you don't I will se that you don't get on"? A No, sir; I got a letter from Gid Graham in which he asked me to certify that the case was all right and after I met him I told him that I could not do it, that the case was crooked, he then said to me, he says, "I will give you a hundred dollars", he says "will you take a hundred dollars," I said "no, sir." I didn't make any bid, that is I didn't set no price with him.
Q You did not say to him then what I have embraced in that question there? A No, sir.
Q You did have a conversation with him about that time and at that place, did you not? A Yes, sir.
Q You say you didn't make any bid or set any price? A No, sir; he offered me a hundred dollars.
Q Why did you send for him to come to the hotel? A In answer to his letter.

A Did you not on yesterday morning on the street in Muskogee, Indian Territory, in a conversation with W. H. Shoemake say to him; "You have made a great mistake in not keeping in your employment and so have the Dawsons and it will go hard with you and you will see it"? No, sir; I says to Mr. Shoemake, I says: "who have you employed in your case," and he says "Judge Thomas and Mr. Owen." I said "It might have been a advantage to you if you had retained me in your matter;" Well, he says "there was nothing wrong in my case" and I says "no, there is nothing wrong on earth in your case that I know of." He said all he wanted was justice and I said "I don't know a thing on earth against you," and I says "there is not a thing on earth wrong in your case as I know it came up fairly and squarely and decided in your favor."

Q You said nothing to him about the Dawson case? A Yes, I said to him "it might have been well if the Dawsons had retained me in their case." I said "I am summoned on the part of the Nation and I don't want to make a statement and I wont if I can possible avoid it."

Q Was that before or after you talked with Mr. Hastings, the representative of the Nation? A It was afterwards.

Q You meant by that if you had refused to answer you would have gone to jail? A No, sir; if they had employed me before hand I meant not now.

Q You mean that if they had employed you before hand you would not have given this information to Mr. Hastings? A I would not be required, being the attorney.

Q Were you required to give him the information; did you know that you had to give him any information? A Who do you mean.

Q Mr. Hastings. A I did refuse him and he insisted.

Q Well, he no authority to compel you to do it? A No, sir; I don't know whether he did or not.

Q As a lawyer you knew that he did not have authority to compel you to make a statement to him? A I told him tht I was an attorney in the case and I didn't want to make any statement at all.

Q Why did you do it? A Well, he intimated to me it would go any further. He said to me "I will not make this matter — I will not use it;" that is, what I stated to him was part in confidence.

Q And he pledged you his word that it would not be used? A Well, told him I could make a statement in confidence, and that I didn't want to make a statement before the Court.

Q Well, what did he reply, as you said just now? A Oh, he says make the statement and then I told him--I regretted very much to do it, and I regret very much to make a statement here. I tried to avoid it yesterday.

Q You stated just now that he said it would not be used; did he say that or not? A Well, something to that amount; oh, he says it wont make any difference or something to that effect.

Q Now, don't you know that Mr. Hastings did not intimate to you that the statement he was asking you to make would not be used? A Well, I didn't think that I could be forced to make a qualified statement before the Court here, because I thought my license would protect me in that matter.

Q Yet it did not protect you or prevent you from making a statement to the attorneys for the Nation? A No, sir.

Q Now, in this conversation with Shoemake to which I before referred did you not ask him to again employ you and told him if he would you would make it all right for him? A No, sir; I didn't say that; no, I said if he had employed me in the matter "maybe it would have been better for you." Now, he offered me when I was down here last week, he offered me five dollars to go down and talk with his lawyers on the matter, I didn't go I was busy.

Q That was not your price? A No, no, I had nothing to say in his case that would be to his advantage; I knew nothing against him.
Q Now, then, you say that your were present on the morning that the judgment was rendered in favor of the Dawsons? A I was not in the Court house.
Q You were present in Tahlequah? A Yes, sir.
Q How long had you been at Tahlequah? A I was living there at that time.
Q When were you first employed by them? A By Dawsons?
Q Yes, sir. A The evening before the case was tried.
Q You say that after he judgment was rendered Dawson handed you $20? A Yes, sir.
Q And told you to hand to Duncan? A No, sir.
Q What was your statement? A That he paid me $20 and says "I will send you some more in a short time, week or so.
Q And then he sent you $100? A Yes, sir.
Q And wrote you to give D. W. C. Duncan $50 of it? A Yes, sir.
Q And then sent you another $100 and told you to give him half of it? A Yes, sir.
Q How much did they pay you? A Well, that was the agreement, was that he would pay me $50 a family.
Q How much did he pay you? A I think there was $250; now I a not sure about the $50, but it appears to me like there was a $50 sent, and Mr. Duncan asked me, as well as I remember, says "have you got a letter from Dawson," I told him "yes, sir." It was either that or the $100, and he says "I would like to have some money", and I went to Stapler's and got it changed-- I won't be sure about it being $50 or $100--I went to Stapler's and got him to cash the check and give him his part of it.
Q How much did they pay you for your services? A That is all I got.
Q How much? A I think it was $100, $120.
Q What did you do for them? A Didn't do a thing only called up the case and submitted it; never read the evidence.
Q Submitted it without remarks? A Yes, sir.
Q And for that you say they paid you $120? A Yes, sir; $120.
Q Was Houston Benge present when that was done? A No, sir; I don't think he was.
Q Did you see him then at that time in Tahlequah? A I don't remember.
Q Were you associated with him in any manner in connection with the case? A No, sir.
Q You had a great deal of business of that character, have you before the Courts? A Yes, sir.
Q Were you paid like fees in other cases for like services? A Yes, sir.
Q In many of them? A Yes, sir, good many.
Q All like cases? A Oh, citizenship cases.
Q When was it you were in jail at Fort Smith? A I don't remember: Mr. Mellette can remember, he was there, he was my attorney.
Q Was it about 1893? A It was somewhere along there, along in 1890 somewhere.
Q That has been your principal business as a lawyer, has it not? A Yes, sir.
Q You have never practiced much in any other way have you? A Very little.
Q Were you in the habit of working your cases through in the same manner in which you state you worked this through? A No, sir.

Q This was an exception was it? A I never worked this case through. I simply called the case up by request of Mr. Dawson. I read the evidence; don't know what proof there was in it; he just asked me to call the case up.
Q And he agreed to pay you $50 a family for doing that? A Yes, sir.
Q Was that what you required of him? A That is what he agreed to pay. I says "what will you give?" He says "I will give you $50 a family.

MR. HUTCHINGS:

Q At the same time that the attorney for the Nation was talking to you about the Dawson case he also made inquiries about the Shoemake case didn't he? A Yes, sir.
Q And you told him at that time before you knew anything about whether you would be made or compelled to testify that so far as you knew there was nothing you knew detrimental to the Shoemake case? A Yes, sir; that is what I said.
Q You told him at the same time that you not only expected to claim you privilege as an attorney in the case, but that you told him, Mr. Hastings, with the full belief that the Court would sustain your position? A Yes, sir.

Mr. McKennon: That is very leading.

Q Now, did you think that the re-employment, being the attorney in the pending case would strenthen your position or weaken it, when you spoke to Mr. Dawson? A What I thought in the matter was before ever I would be summoned in the matter, a long time ago, that if I had been employed in the matter of course my position would have been such that I would not have been required or could not have been forced.
Q Did you think under those circumstances that Mr. Hastings would approach you about the subject? A No, sir; I don't think I would be forced to, having license to practice law.
Q Did Mr. Hastings tell you at the time that he was going to put you on the stand? A Yes, sir.
Q And let the Court decide? A Yes, sir.

MR. McKENNON:

Q Now, have you a license to practice in the United States Courts?
A Yes, sir.
Q In the Territory? A Yes, sir.
Q And also in the Indian Courts? A Yes, sir; do you want to see them?

JAMES W. LEWIS, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your anem please? A J. W. Lewis.
Q James W. Lewis? A Yes, sir.
Q Where is your postoffice, Mr. Lewis? A Afton.
Q How old are you? A 73 years old.
Q What is your business ? A I work at the tin business and gun work.
Q Do you know one James Dawson, the brother of F. M. Dawson and the other Dawsons? A I know old man James Dawson.
Q That is the one I mean, old man James Dawson? A Yes, sir: I know him.
Q How long have you known him? A Well, some four or five years, I guess.
Q How long? A Four or five years I think.

Q When did you come to the country? A I have been in the country 30 odd years.
Q Well, when did he come to the country, do you know? A Along about somewheres in eighty if I recollect right, might have b en later than that.
Q How did you happen to be acquainted with? A He lived right close by me and I built a house for him.
Q Did you have any conversation with him at the time you built that house? A Yes, several different times.
Q About how he became a citizen of the Cherokee Nation, about the circumstances? A Yes, sir.
Q Did he make any statement to you about the use of money in getting his citizenship, and if so, state what he said?
A Well, he told me that it cost him $700 to get his rights.
Q Didn't tell you to whom he paid it? A No, he didn't and I didn't ask any questions.

I.R. McKENNON:

Q How old was he at that time, do you know? A I do not know exactly, must have been somewheres near about 70 years old, he might have been older than that, I don't know.
Q He was a very old and feeble man? A Yes, he was old and feeble.
Q He seldom ever got out away from his house? A No, sir, only short distance.
Q When you first knew him he was that kind of man? A Yes, sir.

J. L. CLINKENBEARD, being duly sworn, testified as follows on part of the Cherokee Nation:

I.R. HUTCHINGS:

Q State your name? A J. L. Clinkenbeard.
Q What is your post office address? A Vinita.
Q How old are you? A 56.
Q Were you ever an applicant for citizenship before the Tehee citizenship Court in Tahlequah? A Yes, sir.
Q About what time was that? A September '81, I think.
Q Did you meet there about that time, one Elbert or Buck Dawson?
A Yes, sir.
Q How did you happen to meet him? A He and I stopped at the same place, man's by the name of Sharbow.
Q You and he stopped there, did you, board there? A Yes, sir.
Q Well, did you have any talk about citizenship cases, yours and his? A
A Yes, sir.
Q Where did he state that he was from? A Texas.
Q Well, state what you can remember of the conversation between you from time to time about citizenship in the Cherokee Nation?
A Well, we were there on the same business and we talked about it at different times, and in talking about the evidence we had there I, of course, told him how many witness I had and what I could prove and so on, and he said that he didn't have but one witness, Dr. Baker from Arkansas, a man that was 35 or 30 years old, he said, and he hadn't come and said he was to have met him there, but he hadn't come.
Q Well, what did he say about the doctor's knowing anything?
A Well, he said he was 25 or 30 years old and didn't know straight up.
Q Well, did he say anything about giving him whisky?
A Well, he said he could give him four drinks of Arkansas whiskey and he would swear that black was white.

Q [illegible] say anything about what money would do in Texas or Indian Territory? A Well, in talking about the evidence, he said that [illegible] that made the case go down in Texas and he said "I come to get the top of the land" and he says "I found out it goes there," or words to that effect.
Q Did he say what he had to spend on the question? A Well, he said that he could stand a thousand dollars on it and not be hurt very much; finally he said he could stand more than that.
Q What did he tell you what he thought about the necessity of witnesses anyhow? A Well, I don't know as he said as to that, but I understood from what he said that he thought money would beat witnesses.
Q Well, where did he go from there? A He and I left there together; he rode to Muskogee by way of Fort Gibson and there we parted.
Q Did you ever see him after that? A I saw him about two years or something like that afterwards.
Q Where? A Vinita.
Q Did you refer to his citizenship matter? A I asked him how he come out and he said all right.
Q Was he deformed in any way this man? A He had a crippled hand or stiff finger; I don't remember just what it was now.

H.H. McKENNON:

Q Your first conversation with him was in '01 was it? A Yes, sir.
Q What time in '01? A September.
Q You were then an applicant for citizenship? A Yes, sir.
Q Were you admitted? A No, sir.
Q You are still an applicant? A No, sir.
Q You are still working to get in as a citizen of the Cherokee Nation? A No, sir; haven't quit it entirely.
Q What business are you in now? A I am running a dairy in Vinita.
Q When did you make these statements now to the representative of the Cherokee Nation? A Well, sir, I haven't; I saw Mr. Hastings I believe here last Saturday the first time.
Q How did they ever know that you had had these conversations with Mr. Dawson? A I don't know.
Q You don't know how they found that out? A No, sir.
Q You say you saw Mr. Hastings here last Saturday? A Yes, sir.
Q Now, did you approach him or did he approach you? A He approached me.
Q You know why? A No, sir; I suppose somebody I have told somewhere at some time about this, I don't know when or who. I don't remember of having talked to anyone about it. I have seen Mr. Hastings for years.
Q Now, you say—now was that expression about his giving Dr. Baker three or four drinks of liquor? A He said the old man; he said that Dr. Baker, he was expecting him there and he didn't come, and he said he didn't care where he didn't not; he said he was 85 or 90 years old; he said he didn't know straight up; said he could give him three or four drinks of Arkansas whiskey and he would not know black or white.
Q Now, he said that did he? A Yes, sir.
Q You are just as positive of that as you are of any other statement he made are you? A Yes, sir.
Q You say you next saw Dawson at Vinita? A Yes, sir.
Q How long afterwards was that? A About two years, I think something near that.
Q Did he move to the Territory? A Yes, sir he lived at Vinita at one time.

Q You speak about having a dairy business there at Vinita, to what extent? A I am only milking about four cows now, I sent the others to the country.
Q Do you run a dairy wagon there? A No, sir.
Q You serve on the jury a good deal? A I have been serving on the Petit jury there this winter.
Q Generally? No, sir.
Q Are you a kind of a professional juror? A No, sir; I was on the regular petit jury, I was on the regular panel and served.

C. G. BRAUGHT, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A C. G. Braught.
Q What is your age? A 62 29th day of last January.
Q What is your post office? A Fairland.
Q How long have you been living in the neighborhood of Fairland? A Been living there 19 years.
Q Do you know one Bud Dawson or F. M. Dawson as his name is? A I do.
Q How long have you known him? A About 13 years.
Q How close do you live from him? A Half a Mile of him.
Q Does he still own that place? A I think he does.
Q Were you an applicant for citizenship along about '81 or '2 at Tahlequah? A Yes, sir.
Q Did you have at any time a conversation with Bud Dawson about his and your citizenship cases? A Yes, sir.
Q State what he stated to you of citizenship cases in general and about his own in particular, you can state the time that you had these conversations as near as you can? A Well, I think it was in '83, he told me if I ever got in I would have to put up; he said it cost him $700 to get in; he said he paid one witness three hundred dollars.
Q Did he state the name of that witness? A No, he did not.
Q Whom did he say he made arrangements with? A He said he make arrangements with the Court; that is, heads of families to get them in at one hundred dollars apiece.
Q Do you know what time of the year tht was, whether it was in the summer or not? A I think it was in June.
Q Did he make any other statements to you at any other time? A No, sir, I don't think he has in regards to that matter.
Q You have been living neighbors with him? A Yes, sir.

MR. McKENNON:

Q You say this was about June of '83? A I think it was in June, 1883, I won't be positive whether it was June or not.
Q You were an applicant; were you admitted? A No, sir.
Q Have you been admitted? A No, sir.
Q You are still an applicant? A Yes, sir.
Q Still trying to get in? A Yes, sir.
Q Where was this conversation had? A Had at Bud Dawson's house.
Q What part of the premises? that is, in his residence?
A Yes, sir.
Q In the house? A Yes, sir.
Q Who was present? A There wasn't anybody present; he just built the house and there wasn't anybody there.
Q Was there more than one room? A I won't be positive but I don't think there was but one room, log house.
Q Just one room? A Yes, sir.

Q And in that room he made this statement to you? A Yes, sir.
Q He and you are enemies are you not? A No, I don't think we are enemies.
Q You are not friendly at all? A Friendly part of the time, and part of the time we ain't.
Q Haven't you had considerable trouble about he lands between your farms? A No, sir; we ain't had any trouble.
Q Didn't you have his little boy arrested recently for a difficulty?
A Yes, sir.
Q And you say that you are not on bad terms with him?
A Why we speak, have conversation, have right right along all the time.
Q Is it not a fact now that you and he have been all the while at outs? A No, sir.
Q You don't have any unkind feeling towards him? A No, sir.
Q What were your other remarks? A I said no, sir, I didn't have any unkind feeling towards him.

(It being 5 o'clock, the Commission adjourns until 8:30 o'clock to-morrow morning.)

March 19, 1902.
Commission convened pursuant to adjournment.

Appearances:
Mr. A. S. McKennon, of Counsel for Applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. G. BRAUGH, re-called, further testified:

A. S. McKENNON:

Q Mr. Braught, you were a claimant under the Watts family are you not? A Yes, sir.
(witness excused.)

CHARLES D. KENNEY, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Charles D. Kenney.
Q What is your post office? A Dawson now.
Q Are you a citizen of the Cherokee Nation? A Yes, sir; supposed to be.
Q Recognized as such are you? A Yes, sir.
Q How old are you? A There is no family record, my parents died when I was young, I just guess at my age, I am somewheres between 44 and 45 years old.
Q Were you personally acquainted with one Elbert or Buck Dawson?
A I knew Buck Dawson when I saw him.
Q Did you know him in the state of Texas, if so state what time?
A I knew Buck Dawson, knew him and saw him at different dates in Texas.
Q Well, in the year '81 in Clay County, Texas, did you ever see him?
A It was in '81 or 82, I think I knew him in both years.
Q Did you ever have any conversation with him in the presence of Bill Smith, Jiles Flippin and Joe Preston about his application for citizenship in the Cherokee Nation? A Mr. Dawson and Flippins were talking in regard to grass down there before me one time and

it was mentioned, I was going up on the strip and Buck Dawson says "he an Indian" and Jiles said "yes, he is an Indian", and "By God," I believe is the way he spoke, "if I was an Indian I would not be punching cattle, I would have stock eating my grass."
Q What did he say about making application? A He said he was going to the Chickasaw Nation and prove up and get him some grass.
Q Who was that? A Buck Dawson.
Q Well, did anybody suggest about his going to the Cherokee Nation on?
A Yes, sir, I told him, I says "why don't you go to the Cherokee Nation, why don't you go up home" I believe is the way I spoke it, "up amongst God's people;" and he says "are they all white like you?" and Jiles spoke up and says "majority of them."
Q Well, what did he say to Jiles then? A He says "let's go up Jiles", just in a whole crowd of cow punchers, and Mr. Flippin says "Hell, I am going; brother John is getting ready to go now."
Q Well, then what did he say to you? A He says "Who are your best lawyers up there, Kenney," and I told him "Hooley Bell was counted the brainiest man in our country."
Q Well, do you know whether he claimed to have any Indian blood or what he was claiming in that country, whether white man or Indian?
A No, sir, I could not say what he was; he was generally known over the age as Buck Dawson, a citizen of the State of Texas, that is all I know of him.

Mr. McKennon: The applicants object to all of the testimony of this witness because it is wholly incompetent and irrelevant.

Mr. McKennon:
Q Were you born and reared in the Cherokee Nation? A I can't tell you where I was born; I was raised here part of the time and in Bass County, Texas. B. F. Alberty was my guardian.
Q Were you admitted to citizenship by the Council or Court? A I think both of them passed on me; I can't tell you the date.
Q About what time? A It was sometime in '80 though.
Q What tribunal first? A I don't know; I don't know either when I was admitted, I was re-instated at Council.
Q When? A I think it was in '87 or '88.
Q Haven't you been arrested for crime and charged with crime?
A Well, I didn't know that I was on trial; I have been arrested a hundred times I guess from here to the Rio Grande.
Q For what offense? A For gambling, stealing; if I am on trial I have had lots of them, I have been on the road.
MR. HASTINGS, of Counsel for Cherokee Nation:
Q Were you ever convicted? A No, sir.

Mr. McKennon: Applicant makes further objection to the testimony of this witness on account of his criminal character stated by him.

THOMAS B. BABEART, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name, please? A Thomas B. Babeart.
Q What is your post office? A Melvin.
Q What is your age? A 49.
Q Are you a Cherokee by blood? A Yes, sir.

Q Did you know one James Dawson? A Well, yes; I did; I have seen him time or two.
Q Were you in Tahlequah about the time he had an application before the Spears or Snake Puppy Citizenship Court? A Yes, sir; I was there about the time the case was settled.
Q Did you know Aaron Butler? A Yes, sir.
Q Who was he? A He was a Cherokee Interpreter for the Court.
Q Do you know James Smith? A Yes, sir.
Q Who was he? A He was the Nation's attorney before the Court.
Q Well, did you about that time have a conversation with either Aaron Butler of Jim Smith in company with Mr. James Dawson? A Yes.
Q State the full particulars of it? A About that time this man Dawson and Butler come to me while they were all together, all three of them, and Butler come and called me off to one side, that was down at a colored church, it was after dark, and they called me off there and this man Dawson borrowed some money from me, he said he had to have it that night, his case was going to be submitted the next morning.
Q Well, did he say anything about whether he could get his case submitted if he had some money? A Well, from the language to me and Butler, he wanted this money; Smith had agreed to submit the case without further evidence in the matter.
Q Well, did you let him have the ten dollars? A Yes, sir.
Q Where did they go then? A They walked off up towards town.
Q Did they go together, those three? A Yes, sir.

MR. McKENNON:

Q Was that James Dawson, the leading applicant in that case?
A Yes, best of my recollection that was.
Q How old a man was he? A I don't know; I could not tell you; he looked, I don't know, he might have been—could not tell you just about how old he was.
Q Well, about how old was he, 25, 30 or 40? A Yes, he was older than that, from my judgment I guess he must have been 45 or 50 years old.
Q Is he living or dead? A I don't know.
Q Where have you been living? A I have been living down here near Tahlequah.
Q What was the man's name, Dawson's name? A Jim Dawson I think.
Q You are certain of that? A Yes, sir; I am pretty certain.
Q They came to you with Smith, the Prosecuting Attorney, and Butler, the Interpreter? A Yes, sir.
Q Dawson took you off to one side? A Butler took me to where Dawson was and introduced me to Dawson and vouched for Dawson being all right for the money.
Q When did you first make a statement of this matter to anybody?
A I guess—I don't remember when.
Q How long have you been in Muskogee this time?
A I have been here since, I was summoned here last Friday.
Q Did you ever make any statement to anybody about this before that time? A Yes, I talked to Butler about it.
Q When? A Oh, about, first I remember it has been about two years ago, and Butler was talking to me about it; it was at my house.
Q Were you born a citizen? A Yes, sir.
Q You weren't admitted to citizenship by the Courts or Council?
A No, sir.
Q You have been living in the Cherokee Nation all your life?
A Well, I was born and raised here; I haven't been here all the time; I have been out and in.

Q You have never seen that man Dawson since? A If I have I have never known it, but I seen him the next day.
Q You saw him and took a good look at him, and know about what kind of man he was? I saw him around there about several times.
Q You think he was about 35 or 40 years old? A That would be my guess at it, my recollection.

Mr. McKennon: Applicants object to the testimony of this witness, all of it, because it is wholly incompetent and irrelevant.

DELIA A. BREWER, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your full name? A My husband's name was O. P. Brewer, but generally I sign my name Mrs. D. A. Brewer.
Q What was your full maiden name? A Delia A. Vann; well it was really Delilah but I never was called by that name, it was De altogether in my young days.
Q What was your father's name? A His name was Joseph Vann.
Q Was he called by any nicknames and if so how many, and what?
A None but the Cherokees, the full-bloods called him Joe Aney.
Q What does that name mean when you talk English? A Rich Joe.
Q Did any of them call him Big Joe Vann? A I don't know; he was a large man; larger than the other Joe Vann.
Q There was another Joe Vann? A Yes, sir.
Q Did your father have any sisters and brothers? A He had quite a number of sisters.
Q Did he have a half sister? A Had two half brothers.
Q Did he have a half sister? A Had several half sisters.
Q Who did they marry? A Different persons; I knew the names of all of them but I have a bad memory, but I know that there was one, a Mrs. Ibbie Wolfe, and Mrs. Lamer, she was first a Mrs. Nicholson and she became a Mrs. Lamer and lived in Alabama and never come to this country, but she has grandchildren in this country.
Q Well, did any of your father's sisters or half sisters ever marry a Rogers? A No, sir.
Q Never had any Rogers kin-folks? A No, sir, I certainly would have heard of them through my family, there was a great many of the kin-folks I never saw, but I heard of them.
Q The Dawson case was talked of here for many years, they claiming kin?
A I never knew until I understood they claimed to be kin to the Vanns, and I flatter myself that my family was prominent enough that they never claimed kin.
Q They never claimed kin at all? A No, sir.
Q Did your father ever had a sister or half sister by the name of Annie, Anna or Alsey? A No, sir.

Mr. McKennon: Applicants object to all the testimony of this witness because it is incompetent and irrelevant.

SAMUEL TOLLIVER DAWSON, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Samuel Tolliver Dawson.

Q What relationare you to the Dawsons? A Well, I am not acquainted with none of these Dawsons, I guess I am cousin, that is what he told me.
Q Who was your father? A Samuel Riley Dawson.
Q What did you saw your father's name was? A Riley Dawson.
Q Do you know what his full name was? A Samuel Riley Dawson.
Q What children had your father? A Why, he has got, you mean his first children or his whole family?
Q I want all of his children? A I don't know, I will have to count a while on them, there was nine or ten of them.
Q Just one or two of them I care for; is Mrs. Lewis your sister?
A Yes, sir.
Q Your full sister? A Yes, sir.
Q Was she a daughter of S. R. Dawson, Jr.? A Yes, sir.
Q Now who were the parents of your father, , Samuel Dawson?
A Why Sam Dawson was his father.
Q Sam Dawson was his father? A Yes, sir.
Q What was Sam Dawson's wife, if you know their family history, that your father said or what your grandfather said? A I have heard that she was a Pruitt, my father said; of course I don't know.
Q What was her given name? A Annie.
Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.
Q Saw him? A Yes, sir.
Q Do you know about how old he was when he died? A He was somewhere up about 90.
Q About how old were you when your grandfather died? A I don't remember exactly how old I was, I must have been somewhere near 12 years old when my grandfather died.
Q Was your father his youngest child? A Yes, sir.
Q Do you know about when your father was born? A Well, no, I don't, he died in '90 and he was 67 years old.
Q He died in about '90 and was about 67 years old when he died?
A Yes, sir.
Q And he was the youngest child? A Yes, sir.
Q Now, do you know how many children your grandfather had , that is brothers and sisters of your father? A I heard him say seven.
Q Well, did you ever hear your father or grandfather speak of whether or not your grandmother was a white woman or an Indian?
A Well, I heard my father speak about it, I don't know that I ever heard my grandmother say anything about it.
Q Well, what did he say about it? A I have heard him say his mother was not an Indian.
Q Did you fathercome here and apply once for citizenship?
A Yes, sir.
Q Was he admitted? A I think not.
Q Did you hear him make any statements about he ground he expected to get in? A He said his brothers had proved their rights here and if his brothers had any rights he did, but I don't know.
Q Well, in that connection didhe say whether his mother was an Indian or white woman? A Never heard him say that his mother was a white woman in speaking about that, I don't know whether he said anything about that or not; I have heard him say his mother wasn't no Indian.

Mr. McKennon: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

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(Taking of testimony continued by Stenographer M. D. Green)

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

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(Continued from testimony taken by Steno. J. O. Rosson.)

March 19th, 1908, at Muskogee, I. T.

Appearances:
Mr. A. S. McKennon and Mr. Mellette, attorneys for the applicants.
Mr. W. T. Hutchings, and Mr. W. W. Hastings, attorneys for the Cherokee Nation.

EMMA BRASHIERS, being first duly sworn, and being examined testified as follows:
BY MR. HUTCHINGS:
Q State your name? A Emma Brashiers.
Q What was your maiden name? A Emma Dawson.
Q What was your father's name? A Samuel Riley Dawson.
Q What was his father's name? A Samuel.
Q What was your grandmother's name? So far as you know from family history? A Her maiden name was Annie Pruett.
Q Then your father, if I understand you, was the son of Samuel Dawson and Annie Dawson, nee Pruett? A Yes, sir.
Q Did your father have a brother named Robert, and a brother named James? A Yes, sir; that is what I was told.
Q And had a sister named Mrs. Petty? A Yes, sir.
Q And another one named Mrs. McGee? A Yes, sir.
Q And another brother named John? A Yes, sir.
Q What relation are you to Mrs. A. S. Lewis? A Sister.
Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.
Q You have a distinct recollection of him? A I, yes, I can remember him, but I was small.
Q About how old were you you suppose when your grandfather died? A About 6.
Q Was your father's birth recorded in the family Bible? A Yes, sir.
Q You know whether your grandfather's record of marriages and deaths were recorded in any Bible or not? A I was, but we haven't it.
Q What became of it? A Got burned.
Q Well, about what year do you remember that your father, Samuel Dawson was born? A I believe it was '23.
Q In 1823? A Yes, sir.
Q And how old was he when he died, if you recollect? A He was between 64 and '7.
Q Did you ever hear your father speak of his relations, his father and mother, as to whether they were white people or Indians? A Yes, sir, they were white people.

Q. You know whether in the family you grandmother was spoken of by the name of Annie, always? A Yes, sir.

BY MR. McKENNON: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

ALEX S. LEWIS, being first duly sworn and being examined, testified as follows:

BY MR. HUTCHINGS:

Q State your name? A Alex S. Lewis.
Q What is your post-office? A Dawson, Indian Territory.
Q How old are? A 59 years.
Q What was your wife's maiden name? A Elizabeth Pamalee Dawson.
Q Who was your wife's father and mother? A Her father was Samuel R. Dawson and her mother was the wife of Samuel R. Dawson, did you want her maiden name?
Q Well, if you know the maiden name of your wife's mother, state how you know it? A Well she was called Margaret, Margaret Queen was her maiden name.
Q The maiden name now of your wife's father's mother? A Why the maiden name of my wife's father's mother?
Q Yes, sir? A From what her husband and my father-in-law told me it was Annie Pruett.
Q What was the name of your wife's father's father? A My wife's grandfather on her father's side, Samuel Dawson.
Q And his wife's maiden name was Annie Pruett? A Yes, sir.
Q Did you know the old gentleman, Samuel Dawson, you wife's grandfather? A Yes, sir.
Q Personally? A Yes, sir.
Q What opportunities had you to get acquainted with him? A He lived with his youngest son, my father-in-law, and visited me, my wife and I, after we were married, and lived with us quite a while; I lived near my father-in-law and he visited very often.
Q When did he die? A '74.
Q Have you any particular method of recalling that date? A Well, I was away from the house when he was taken sick, and they sent for my wife and myself, and so when I got home my wife had gone to her father's to see her grandfather, he was sick, and I remember my first wife was a baby at that time.
Q And when was your first child born? A He was born December, '73.
Q You know how old you wife's father was when he died? A Why he was up in 60, but I don't remember his age.
Q Did the old original Samuel Dawson ever tell you his age? A Yes, sir, several times.
Q How old was he at the time of his death? A He was passed 94.
Q Did he ever tell you whether or not his wife Annie Pruett had any sister or brother? A Told me she only had one brother named Bob Pruett.
Q Have any of the members of the family named their children after him? A Make it a little plain, it is a little long; my wife's oldest brother was a particular favorite of his grandfather, and he always took this boy with him everywhere, and he named one of his,- oldest child for this brother-in-law who was a particular favorite of his grandfather; named it for him I understood.
Q Now, what is his name? A Of course I don't know why he named it, but he gave him the name of Robert Pruett, and I understand it was on account of his grandfather thinking so much of Robert Pruett.
Q Did you ever hear the old Samuel Dawson speak of his brother-in-law? A Yes, sir; I have heard him say that he wished he knew what had become of Bob Pruett, he never had heard of him for a long

time; didn't know where he was, or whether he was alive or not.
Q Now, I want the children of Samuel Dawson and Annie Pruett, how many of them did you know, first? A How many did I know personally?
Q Yes, sir? A John James, and Samuel R. Those were the only ones of his children that I remember personally.
Q Well, remember what you know of the family, what other children did he have? A Well he had two girls, as I understand the family history, he had two girls, first, and John Dawson was the third child, and the oldest boy was John Dawson.
Q Was John Dawson the oldest boy? A Yes, sir.
Q Which was the oldest girl? What is she known by now? A I think it was Mrs. Petty, nee Bettie Dawson.
Q And John Dawson was the oldest boy? A Yes, sir.
Q And Samuel R. Dawson was the youngest boy? A Yes, sir.
Q You know anything about the time John Dawson was born, have you any way of coming at it, the oldest boy? A Yes, sir, I know what the oldest son and his wife told me.
Q What was that? A They said he was born in 1811.
Q Who was his oldest son? A Toliver H. Dawson; told me his father was born in 1811.
Q Do you remember now whether the old man had occasion to say whether his wife, Annie Pruett was an Indian or white woman, or ever said anything about it? A I know what the old man said that she was, I don't know that I ever heard the question approached in that way, I have heard him speak as to her blood, but it was in a different way that he reached it.
Q What blood did he say she was? A Well he said that she was the daughter of Mrs. Pruett, a white woman; and that her father was Captain John Rogers, a white man who lived with the Cherokee Indians, and traded with them.
Q Did he say who Captain John Rogers afterwards married? A Said he had a wife in the Cherokee Nation.
Q But that Annie Pruett was not her child? A No, sir, she was the child of Mrs. Pruett.
Q A white woman? A Yes, sir, that was the half sister of Bob Pruett.

BY MR. McKENNON:

Applicants object to all of the testimony of this witness, because it is wholly incompetent and irrelevant.

Q Did ever you apply for citizenship here? A Yes, sir; for my wife.
Q When? A My father-in-law made the application, I don't know exactly when it was, I think probably about '86, I couldn't say as to the date.
Q Before the Cherokee authorities? A Yes, sir.
Q Did he file an application before the Dawes Commission in 1896 also? A Him.
Q Yes, sir? A I don't think he did, no sir.
Q Did you? A I did.
Q On account of your wife? A Yes, sir.
Q Did you make affidavit to that application? A No, sir.
Q Who did? A I don't know, don't remember now.
Q You applied for your wife as an Indian by blood didyou not? A Yes, sir.
Q Are you still an applicant? A No, sir.
Q Is she? A No, sir.
Q She was denied was she? A Yes, sir.
Q Was there an appeal taken from that? A Application was filed if I remember, before the Dawes Commission, and they rejected the case, and then I appealed it to the District Court, and it was rejected there and then I stopped.

Q Have you ever been arrested for any crime? A Yes, sir.
Q What? A Charge of murder.
Q Anything else? A No, sir.
Q Committed on the train? A Yes, sir.
Q In a train robbery? A Yes, sir, in a train robbery.
Q How long did you remain in jail? A Appealed the case to the Supreme Court, and it was reversed and sent back, and I was acquitted on that charge.
Q That all the crime you were ever charged with? A Yes, sir.
Q Haven't you been having some trouble with the Dawson family? A Well no personally I have no trouble with any of them, there is one of my boys and one of W. A. Dawson's sons-in-law had some trouble.
Q You are not friendly with the Dawson family? A That son-in-law Mr. Wooley, and myself, don't speak, and I don't think his wife speaks to me either.
Q Well you are claiming some sort of lease on the Wooley farm, aren't you? A No, sir, I don't claim any lease on the Wooley farm.

B. W. ALBERTY, being first duly sworn, and being examined, testified as follows:
BY MR. HUTCHINGS:
Q State your name? A B. W. Alberty.
Q What is your post-office? A Tahlequah.
Q What is your present official position in the Cherokee Nation? A Assistant Executive Secretary of the Cherokee Nation.
Q As such have you charge of the citizenship records and books etc. of the Nation? A Yes, sir.
Q Have you made search recently for the original records in the various cases of the Dawson family before citizenship courts in Council? A Yes, sir.
Q Have you got what records you found with you? A I find what's supposed to be the original papers in the case, all that I could find. (Produces papers and hands to Nation's attorney.)
Q Where did you find these papers? A I found them in the desk in which papers of that character are filed away in the Executive Office at Tahlequah. (Applicant's attorneys examine papers produced by witness.)
BY MR. HUTCHINGS: The Nation here introduces in evidence an envelope marked No. 108, the names on the back of it are Robert, Elbert, Jasper, John, Frances, Marion, Josephine, Joseph, Jane, Mollie, Wilburn, James, Rial Dawson, versus the Cherokee Nation; the envelope and its contents.

BY MR. McKENNON: To the introduction of all of which the applicant's object because it is wholly incompetent and irrelevant.

The envelope above introduced by the Cherokee Nation is indorsed as follows:
"No. 108, Robt. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Francis Marion, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilburn Dawson, James Dawson, Real Dawson, vs Cherokee Nation, Petition for Citizenship, filed Sept. 24, 1881. Admitted Jan 11th, 1883, D. W. C. Duncan, Clerk."
In pencil: "Robt Dawson."

The said envelope contains a document as follows:

"Office of Commission on Citizenship,
Cherokee Nation, Tahlequah, January 19th, 1882.

No. 102 Robert Dawson, "et al."
vs.
Cherokee Nation.

Testimony for Claimants.

Witness:

Dr. Baker sworn testified as follows. My name is Arthur Baker I reside at Berrivill, Arkansas, Carroll County, my age is 73 years, I am not a Cherokee, I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carroll County some thirty five years (line drawn through the last three words.) 35 years at my mother's house near Calhoun I became acquainted with the claimants Robt Dawsons grandmother on mother's side, she was frequently at my mother's house; though she Anna Pruit lived in the Nation side. She claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee; the first time she brought the claimant's mother to my mother's house she the claimant's mother was about grown, when I was a lit le boy she called her daughter Polly Rogers said Capt. John Rogers who ran a boat up the river was the father of the child; I saw the girl frequently there at my mother's and there at Louis Rogers Store I saw her occasionally until I was 15 or 16 years old and I think then Old Capt John Rogers took her off to school. I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of Old Samuel Dawson. I stayed all night here one time and I had a talk over our old matters, and I asked her when she became acquainted with Dawson and she said at the time she was going to school. And she said after she left school that Dawson followed her home to the Nation and they were t re married. I have told that precisely in the words she used.

Capt John Rogers claimed to be one fourth Cherokee, the claimant is the son of Polly Rogers and I know Polly Rogers to be the daughter of Anna Pruet, and I know the claimant to be the son of Polly Dawson Capt Rogers then resided in the Cherokee Country about twelve miles from Calhoun on the Hiawassa River.

Anna Pruet resided in the Cherokee Nation as long as I stayed there the Dawsons when I got acquainted with them Arkansas were recognized where they were as Cherokees, Robt Dawsons children is Buck, John, Marion, and two girls; the children named in the petition I recognize as being the claimants.

Question by Solicitor:

Ques. 1 How many children did Polly Rogers have?
Ans. 1 Five, I think that's all.
Ques. 2 Did you say something about someone being married twice?
Ans. 2 The claimant was married twice.
Ques. 3 Could Anna Pruet speak Cherokee?
Ans. 3 Yes she could speak it well
Ques. 4 Did Polly Rogers speak Cherokee?
Ans. 4 She could when she was young.
Ques. 5 How far did you live from Anna Pruet?
Ans. 5 Just across the river about 3/4 of a mile.
Ques. 6 Was Calhoun in the Cherokee Nation?
Ans. 6 It was on both sides of the river, part in the Nation and part out in the State.

Ques. 7 Which Harnage was it went to Texas?
Ans. 7 George went first then John went they were the sons of old Ann Harnage that lived up here near the line.
Ques. 8 Did the claimant go to Texas?
Ans.8 No the claimant didn't go to Texas.
Ques. 9 What connection was claimant and Polly Rogers?
Ans. 9 The claimant is the son of Polly Rogers Marion here is the grandson of Polly Rogers.
Ques. 10 Where does claimant now live?
Ans. 10 He lives in Carroll County, Arkansas.
Ques. 11 Do you know what relation old Captain John Rogers was to Charlotte Rogers here on Coowescoowee?
Ans. 11 They claimed kin but what kin I dont know there were two Capt. John Rogers' in the Nation I am speaking of the time when I first came to this 1830 Country about the year 1830.
Ques. 12 Was Anna Pruet the Maiden name of Claimant's grandmother
Ans. 12 Yes that was her Maiden name the Indians called her Sinee.

his
(signed) Arthur. A. x Baker.
mark

Witness' hand paralyzed is the reason he signs by a mark thus "x". "

The above document is indorsed on back as follows:

"Certified copy of Affidavit, Arthur A. Baker in Dawson case, Robt," Decided by the Tahee Court in 1883. A. Riley Dawsons Step daughter a White Woman Married a White man, named August Bulacka."

BY MR. HUTCHINGS: We further introduce envelope N. 181, of E. Dawson for his grand-children, versus the Cherokee Nation, and its contents, to-wit: The Petition and affidavit of F. M. Dawson, and the testimony of Joseph Dawson.
(Hands papers referred to to applicant's attorneys.)

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced is endorsed as follows:
"No.181. E. Dawson vs the Cherokee Nation. For his grand children. Petition for citizenship. Filed Sept. 14th, 1883, D. W. C. Duncan, Clerk of Com. Decided Sept.13, to be Cherokees.

The contents of said envelope are as follows:

"Office of Commission on Citizenship.
Tahlequah, Cherokee Nation, Sept. 14, 1883.
E. Dawson,
No.181. vs for his grand children,-
Lulu Dauthett,
Dallas Dauthett,
F. M. Dawson for Claimant introduced sworn and in open Court testified as follows:
My name is F. M. Dawson, Am a Cherokee by blood reside in the Cherokee Nation am 30 (40 written over it) years old.

I saw the Claimants, Lulu Dauthet and Dallas Dauthet in Vinita, and know them to be the grandchildren of my brother E. Dawson who is a recognized Cherokee by blood. L. M. Dauthet, the father of the Claimants, Lulu and Dallas is a white man Dauthet's wife the mother of Lulu and Dallas was a Cherokee, the daughter of my brother E. Dawson, she is now dead. The oldest of these applicants is about 9 years old. I have known them about 8 years. These children is now living with their father. One is a girl and the other is a boy. I had been acquainted with her mother all her life. If she had been now living she would have been about 25 years old - - She has been dead about 4 years as well as I can recollect, She was about 17 yc rs old when she was married.

his
(signed) F. M. x Dawson,
mark

Office of Co mission on Citizenship,
Tahlequah, Cherokee Nation, Sept. 14, 1903.
No.181 E. Dawson
for his grand children
Lulu Dauthett
Dallas Dauthett

Joseph Dawson introduced for Claimants, sworn in open Court testified as follows:

Jos. Dawson, am a Cherokee live in the Cherokee Nation, am 31 years old.

Lulu Dauthett and Dallas Dauthett, the Claimants are Cherokees. Fannie Dawson was their mother. Fannie Dawson was a Cherokee, that is what I was always told. Her father was E. Dawson. E. Dawson was my brother. Mrs. Dauthett is not living now: the last time I saw Lula, and Dallas Dauthett, they were in Texas. But I have heard since that they are in the Cherokee Nation. E. Dawson recognizes them as his grandchildren and I have known them ever since they were born.

By Solicitor:

Lula is about 10 years old. The Dallas is about 5 or 6 years old. I heard that their father is now at Vinita Cherokee Nation, E. Dawson is Elbert Dawson. Th applicants' mother has been dead about three or four years. She died at Hillsboro, Texas.

I was not present when their mother and E. Dawson had eight children to the best of my recollection, or 9. Fannie, Francis, Cartenas, Janie, Bob, Smith, Forsh, Bert, Ella. All living but two, Fannie and Smith. They are all living in Texas when I left there. I am a brother to F. M. Dawson, we are full brothers. My father has been admitted to Cherokee Citizenship by this Court.

his
(signed) Joseph x Dawson,
mark

To the Commission on Citizenship,
Tahlequah, C. N. Sept. 12, 1903.

E. Dawson for grandchildren,
Lulu Dauthett,
Dallas Dauthett,
vs
Cherokee Nation.

Now comes E. Dawson petitioning for the Cherokee rights of his grandchildren, Lulu Dauthett & Dallas Dauthett, by virtue of their Cherokee blood, which was derived from the

Dawson family, who is acknowledged Cherokees by admission of your Hon. Court, at its last session in January, 1883, in view of the facts ask your Hon for a spedie and favorable consideration of our calims.

(signed) E. Dawson for grand children,
By C. H. Taylor."

This last document is indorsed on back as follows: "No. 181, Petition of Lula, Douthett & Dallas Douthitt, for Citizenship Filed Sept 14, 1883, D. W. C. Duncan, Clerk."

BY MR.HUTCHINGS: Now we desire to introduce the judgment in the case of S. R. Dawson, and others, of the Commission on Citizenship, found on page 20, of Record Book B, of the Citizenship cases in the Cherokee Nation, said book having been turned over to and now in the custody of the Commission; the judgment being dated April 26th, 1889.

BY MR. McKENNON: To the introduction of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

Record above introduced is as follows:

"Office of Commission on Citizenship,
Tahlequah, C. N. August 11th, 1887.

Docket No.		Names,	Age	Sex	Post Office,	Attorney
	1	S. R. Dawson,	66		Catoosa,	
	2	Parlee Dawson,	44	female		
307	3	America J. Dawson,	35	"		
	4	Katharine J. Dawson,	33	"		
	5	J. G. Dawson,	31	Male		Bell &
	6	Elias F. Dawson,	29	"	Applicant for	Bryant.
	7	Tolivor Dawson,	27	"	Cherokee Nation.	
	8	Ella Dawson,	20	female		
	9	Fanny Dawson,	18	"		
	10	John Riley Dawson,	11	Male	R.	
	11	Robert E. Dawson,	9	"		
	12	Claud Dawson,	7		Ancestor	
	13	Cleveland Dawson,	3		John Rogers	

-- filed August 11th, 1887."

In red ink written along Age column is the following: "Rejected April 26, 1889."

"Now this day comes the above case for final hearing, Samuel R. Dawson, bases his application for readmission to citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson a white man, Polly Rogers the alleged daughter of Captain John Rogers and Chilsey Pruitt, said to be a full sister of Joseph Vann, commonly known as Rich and who was of Cherokee blood. It is admitted that John Rogers and Chilsey Pruitt died before the roll upon which their names would appear if living at the time and specified in the 7th section of the Act of December 8th, 1886, creating the Commission on Citizenship, were made but in support of the application it is urged that certain members of the Dawson family and full brothers of the applicant were re-admitted to citizenship by the Commission on Citizenship commonly known as

"The Tehee Court", and the "Spears Court", and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the considerations which determined the decision of those Commissions of the testimony now introduced to authorize the admission of the present applicant is not relivent to the issue now pending. The 7th section of the Act of December 8th, 1886, before named provides, that "The Commission shall give a hearing to any paerson applying for citizenship in the Cherokee Nation upon the ground of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Cherokees taken by the United States," As are hereafter enumerated. Neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon eitherof said rolls the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission to citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the cases of Andrew J. Dawson, James K. P. Dawson, Jounnah Barber nee Jounnah Dawson and Jane Queen, nee Jane Dawson, and their families, as enumerated in their respective applications.

(signed) Will P. Ross,
Chairman.

This April 20th, 1889.
(signed) D. L. Williams,
Cl'k Com'n.

(signed) R. Bunch, Commissioner,
John E. Gunter, Com'nr."

BY MR. HUTCHINGS: The Nation now introduces the envelope in the case of James K. P. Dawson, and the contents, being the original testimony in the case of E. Dawson; also the judgment in said case, found on page 116, in book C., containing the records of the Citizenship Commission of the Cherokee Nation, the date of said Judgment being April 26th, 1889; this book being also in the custody of this Commission.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope above introduced is indorsed on back as follows:

"Name, James K. P. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, - - - Age, - - Years, - - Roll of 1835, Ancestor, Riley Dawson, filed the 5 day of Oct. 1887, Docket 989, Book C Page 116, Testimony on Journal - - Page - - - Decision of Commission Rejected 26 day of April 1889
Rejected."

The contents of said envelope are as follows:

"A. J. Dawson, et al.,) Office Com. On Citizenship,
(vs) (Tahlequah, I. T. Sept. 27th, 1888.
Cherokee Nation.)

E. Dawson, who being duly sworn, upon his oath, deposes and says as follows, to wit:

I am a citizen of the Cherokee Nation and reside in Coowescoowee Dist. and am 53 years old. I am acquainted with the applicant, Andrew J. Dawson, he claims to be a relation of mine. I have known him personally about three (3) years, He said his father was Joe Dawson. I know the party, the applicant, from circumstances, and have no doubt but that he is a realtion of mine.

Joe Dawson, the father of the applicant was my father's brother. Joe Dawson was considered to be a Cherokee, I think he died on the Hiwassee river in Tenn. I think he had four (4) children. I naver saw any of them but Andrew J. Dawson, and Jim Dawson.

-Cross Ex.-

Joe Dawson has been dead about 35 years he lived west of the Mississippi River, I understand. My father had four brothers. I don't know how long Jou Dawson had been living in Tenn. before he died. All that I know of the applicant being the son of My Uncle Jou Dawson, is from what he himself has told me, - My grandfather, Sam Dawson was a white man. The applicant could be of the Dawson name and not be related to me- My grandfather being a Dawson and a white man.

Attest

Connell Rogers,
Clk. Cor. on Citizenship."

This document is indorsed on back as follows:
"Testimony of E. Dawson in case A. J. Dawson."

The judgment above introduced, and found on page 116 of Book C of the Dockets of Cherokee Citizenship Commission, is as follows:

"James K. P. Dawson,
OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind, Ter., Oct. 5, 1897.

Docket No.	Names	Age	Sex	Post Office	Attorney
1	James K. P. Dawson,-		Male		
2	William A. Dawson,				
3	Richard A. Dawson,				

C. H. Taylor."

939

Applicant for
Cherokee Citizenship,
Census Rolls 1835
Ancestor,
Riley Dawson,

vs.

Cherokee Nation. "

In red ink along age column are the words: "Rejected April 30, 1909."

- - - - - - - - - - - - - -

"Adverse to Claimant.
See decision in this case in the case of S. R. Dawson in Book (B) Page 20.
This April 30, 1909.

Will P. Ross,
Chairman.
D. S. Williams,
Clk Com.
J. E. Carter, Com."

BY MR. HUTCHINGS:

The Nation desires to introduce the original envelope and its contents in the case 196, of Rebecca Dawson, being the application and judgment in the case, also the judgment as copied into the record, Book C, on page 144, the date of said judgment being August 28th, 1889.

BY MR. McKENNON: To all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope just introduced is indorsed on the back as follows:

"196, 1, Name Rebecca Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address Emmet, I. T., Age 48 years, 1835, to 1852, Roll of 18-- Ancestor Haton, Filed the 5 day of Oct 1887, Docket 1017 Book C Page 144, Testimony on Journal- Page - - Decision of Commission, Rejected 28 day of August 1889. Submitted by Mr. Rasmus, Aug. 28, 1889." R"

The contents of said envelope are as follows:

"APPLICATION FOR CITIZENSHIP.

To the Honorable Commission on Citizenship:
Gentlemen:- The undersigned, your petitioner, this day makes this her application for re-admission to citizenship in the Cherokee Nation, in accordance with the Consittution, and with an act of the National Council approved December 8th, 1880, creating your Commission, And respectfully makes the following statement of the grounds for this, her application, to-wit:

That Rebecca Dawson is the Grand Daughter of one Haton, who the undersigned firmly believes was enrolled upon the Census Rolls of Cherokee by blood, citizens of the Cherokee Nation, taken and made in the years 1835,-48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds for this application for Cherokee citizenship by blood, and respectfully awaits the time when Application shall be truly heard and tried in accordance with the aforesaid law.

Age, 48 years; Postoffice, Emmett, Chic. Na. Family with their relationship attached is as follows:

No	Name	Sex	Age	Relationship.

In witness of which application I hereto set my hand on this the 4- day of October 1887.

(signed) Rebecca Dawson,

Boudinot & Rasmus,

Attorneys."

- - - - - - - - - - -

"COMMISSION ON CITIZENSHIP.

Cherokee Nation, Ind, Ter.

Tahlequah, August 28th, 1889.

Rebecca Dawson)

V. S.

Cherokee Nation.) The above case was called and submitted by

Rasmus without evidence the Commission decide tat Rebecca Dawson, Age 48 yrs is not a Cherokee by blood a d are not entitled to citizenship in the CherokeeNation Post Office Emmet Texas - - I. T.

(signed) WILL P. ROSS,
Chairman,
J. E. Gunter, Com."

\- - - - - - -

The judgment found in Book C, Records of Commission on Citizenship, Cherokee Nation, page 144, is as follows:

"Rebecca Dawson.
OFFICE COMMISSION ON CITIZE SHIP.
Tahlequah, Ind. Ter., Oct. 5th, 1887.

Docket	No	Names	Age	Sex	Post Office Attorney.
	1	Rebecca Dawson	48	female	Emmett, I. T.

1017

Boudinot & R.
Applicant for
Cherokee Citizenship.

Census Rolls, 1835,
to 1852.
Ancestor,
Moton.

V. S.
Cherokee Nation.

\- - - - - - -

Office Commission Citizenship,
Cherokee Nation, Ind. Ter.,
Tahlequah, Aug. 28th, 1889.

The above case was called and submitted by Attorney Rasmus without evidence. The Commission decide that Rebecca Dawson, aged 48 years is not a Cherokee by blodd and not entitled to Citizenship in the Cherokee Nation.

Attest:
E. G. Ross,
Clerk Commission.

Will P. Ross,
Chairman.
J. E. Gunter, Com."

BY MR. HUTCHINGS: The Nation next introduces the iriginal envelope and contents in the case 193, of Mary Dawson, the contents being the application for citizenship, and the judgmeny as written up by the Court; also the judgment of the Court as copied in Book C, page 145,- said judgment being rendered August 28th, 1889.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced is indorsed on back as follows:

"193, 2, Name, Mary Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Bowie, Texas, Aged 54, years, 1835 to 1852 Roll of 18- Ancestor, Moton, Filed the -- day of ? 18-- Docket 1013, Book C Page 145, Testimony on Journal-- Page-- Decision of Commission Rejected 28th day of August 1889. Submitted by Mr. Rasmus, Aug. 28, 1889."

"APPLICATION FOR CITIZENSHIP".

[illegible] on Citizenship:

Gentlemen:- The undersigned, your petitioner, this day makes this her Application for re-admission to citizenship in the Cherokee Nation in accordance with the Constitution, and with an Act of the National Council, approved December 8th, 1838, creating your Commission. And respectfully makes the following statement of the grounds of this her application, to-wit:

That Mary Dawson is the Grand Daughter of one Moton who the undersigned firmly believes was duly enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the years 1835,-48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds of this her application for Cherokee Citizenship by blood, and respectfully awaits the time when her Application shall be truly heard and tried in accordance with the aforesaid law.

Age, 54, years; Postoffice, Bowie, Texas, family with their relationship attached is as follows:

No.	Name	Sex	Age	Relationship.
1	Walter Dawson	M	18	Son.

In witness of which application I hereunto set my hand on this the 4 day of October 1887.

Mary Dawson,

Boudinot & Rosser,
Attorneys."

- - - - - - -

COMMISSION CITIZENSHIP,
Cherokee Nation, Ind. Ter.,
Tahlequah, August 20th, 1889.

Mary Dawson,)
vs (Application for Cherokee
The Cherokee Nation) Citizenship.

The above named case having been submitted by W. F. Riggs, Attorney for claimant, without evidence, the Commission decide that Mary Dawson age 54 yrs, and her son Walter Dawson, age 18 yrs, are not of Cherokee blood, P. O. Bowie, Texas.

Will P. Ross,
Chairman,
J. D. Carter, Com."

- - - - - - -

Said envelope also contains the following:

APPLICATION FOR CITIZENSHIP

TO THE HONORABLE COMMISSION ON CITIZENSHIP: Gentlemen:- The undersigned, your petitioner, this day makes this his application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution and with an Act of the National Council, approved December 8th, 1838, creating your Commission. And, respectfully makes the following statement of the grounds of this his application, to-wit: That James K. P. Dawson is the son of one Riley Dawson who the undersigned firmly believes was duly enrolled upon the - - - Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the year 1835, the undersigned hereby presents the above facts as the lawful grounds for this his application for Cherokee Citizenship by blood, and respectfully awaits the time when his application shall be duly heard and tried

in accordance with the aforesaid law.
Age - - years; Post-office - - -; family with their relationship attached is as follows:

Names,	Sex	Age	Relationship.
William A. Dawson	Male		Son.
Richard A. Dawson,	"		"

In witness of which application I hereto set my hand on this the 4th day of Oct 1827.

(signed) James K. P. Dawson,
C. H. Taylor, Attorney."

- - - - - -

The judgment as recorded in Book C, page 145, of the records of the Cherokee Corrission on Citizenship, is as follows:

"Mary Dawson,

Office of Corrission Citizenship.

Tahlequah, Ind. Ter., Oct. 5th, 1887.

Docket No.	Names	Age	Sex	Post Office	Attorney
1	Mary Dawson,	54	female	Bowie, Texas,	
2	Walter Dawson,	18	male		

Boudinot & B.
Applicant for
Cherokee Citizenship.

Census Rolls 1835 to 1853
Ancestor
- - - - - -

vs.
Cherokee Nation.

- - - - - -

Office Commission on Citizenship,
Cherokee Nation, Ind. Ter.,
Tahlequah, Aug 26th, 1889.

The above case having been submitted by W. F. Parris, attorney for claimant, without evidence, the Corrission decide that Mary Dawson aged 54 years, and her son Walter Dawson aged 18 years are not of Cherokee blood. Post office Bowie Texas.
Attest:
E. C. Ross,
Clerk Corrission.

Will P. Ross,
Chairman.
J. T. Gunter, Com."

- - - -

BY MR. HUTCHINGS: The Nation further introduces the original envelope in the case of Andrew J. Dawson, which said envelope contains his original application; also the judgment in that case recorded on page 38, of Book A, of the records of the Citizenship Corrission of the Cherokee Nation, which said records are now in the custody of the Commission; the judgment is dated April 26th, 1889.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced above, is endorsed as follows:

"Name, Andrew J. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Nevada, Mo. Age 44 years, - - 1835, Roll of 1835, Ancestor, - - Filed the 11 day of February 1887, Docket 37 Book A, Page 38 Testimony on Journal - - Page, Decision of Commission, REjected, 26 day of April, 1889. Rejected."

The contents of said envelope are as follows:

"To the Commission on Citizenship.

Tahlequah, I. T.,
January 27, 1887.

	Age		
Andrew J. Dawson,	44	years	Male
E. E. Dawson,	16	"	"
Olive M. Dawson,	14	"	female
William H. Dawson,	11	"	male
Jessie K. Dawson,	9	"	"
Glennie D. Dawson,	8	"	female.

V.S.
Cherokee Nation.

Know comes Andrew J. Dawson, and five children claiming his right to Cherokee Citizenship by virtue of his Cherokee blood, he being a cousin of E. Dawson ad others of the same name admitted to Citizenship by the Tom Tehee Court on Citizenship, which is a matter of record, we submit that as proof of the Justness of his claim, his ancestors will be found on the roll of 1835.

Respectfully,

Post-office, (signed) A. J. Dawson &
Nevada, Mo. five children,
by C. K. Taylor,
Attorney."

" " " "

The judgment just introduced and found on page 38 of Book A, Records of Cherokee Commission on Citizenship, is as follows:

"Andrew J. Dawson,
Office Comission Citizenship,
Tahlequah, C. N., Feby 11, 1887.

Docket No	Family No	Name	Age	Sex		
	1	Andrew J. Dawson,	44	Male	Nevada, Mo.	
	2	E. E. Dawson,	16	"		
37	3	Olive M. Dawson,	14	female		
	4	William H. Dawson,	11	male	Applicants for	
	5	Jessie K. Dawson,	9	"	Cherokee Citizenship,	
	6	Glennie D. Dawson,	8	female	C. K. Taylor.	
					Rolls 1835,	

Rejected April 26, 1889, (red ink.)

V.S.
Cherokee Nation.

Ancestors,

Filed May 11, 1897.

Adverse.

See decision in this case in that of L. B. Dawson, Book P.20.
rendered April 20- 1899.
D. S. Williams,
Clk Com."

- - -

BY MR. HUTCHINGS: We next desire to introduce the records in the case of this same Andrew J. Dawson, before the Commission to the Five Civilized Tribes, filed September 7th, 1896, and the judgment of the Commission thereon. Number of said case being 4,094. And the judgment of said case on page 294, Book B., Dawes Commission Record, 1896. Judgment was rendered November 17th, 1896, denying the application.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The records just introduced, being those filed before Dawes Commission, 1896, in Andrew J. Dawson, et al., are as follows:

Registry Receipt,
Post Office at Vinita, Sep. 7, 1896, Cherokee Nation, Ind Ter., Registered Letter, No. 409, Rec'd, of A. J. Dawson, addressed to S. H. Mayes, Tahlequah, I. T., (signed) D. A. Drayson, L.-P. M.

- - -

"Commission to the Five Civilized Tribes,
Vinita, Ind. Ter., Sept. 7, 1896.

See that you swear to your petition.

Evidence of service of copies of Chief or Governor may be secured as follows: If convenient get his receipt to file with your papers. If you cannot do this, register to him, and have some interested person to make affidavit in form about as follows:

I, S. H. Davidson, do solemnly swear that on the 7th day of September, 1896, I saw a package registered at the Post office at Vinita, Indian Territory, addressed to Hon. S. H. Mayes, Chief of the Cherokee Nation, Tahlequah, Ind. Ter., that registry receipt no.409, received from postmaster, hereto attached, is a receipt for said package, which contained true copies of the application of Andrew J. Dawson, and of the affidavits of E. Dawson and F. H. Dawson in support of same.

(signed) S. H. Davidson.

Subscribed and sworn to before me, on this 7th day of September, 1896.

(seal) (signed) W. H. Kornegay,

Notary Public, First Judicial Division, of the Indian Territory.

Attach receipt to this affidavit and send with papers to the Commission at Vinita, Indian Territory. This takes the place of the former instructions, as we understand that packages are not promptly receipted for by the Chiefs and Governors.

xxx _____
For the Commission."

\- - -

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss and Alexander B. Montgomery, United States Commissioners, authorized by an Act of Congress of June 4th, 1896, to hear and determine claims for citizenship in the Cherokee Nation:

Gentlemen:-

The undersigned, your petitioner, Andrew J. Dawson. ~~Willia--H.-T.-Dawson-Jone-K.--H.~~. (Line in ink drawn through these names) for and on behalf of Minnie E. P. Dawson, Olive Maud Dawson, William H. T. Dawson, Jesse K. Dawson, Glen Dale Dawson, James K. P. Dawson, William A. Dawson, Maggie L. Dawson, Richard A. Dawson and Mary E. Dawson and heirs, this day make their application to you for the purpose being placed on the revised roll of Cherokee Indians and of those entitled to share in the distribution of the funds and allotments of lands in the Cherokee Nation by virtue of their Cherokee blood, and petitioners state that they are Cherokee Indians by blood, deriving the same from Certain John Rogers, Polly Rogers, Daughter of Certain John Rogers, married Samuel Dawson, whose name will be found on the authenticated rolls of the Cherokees by blood, taken in the years 1817, 1818, 1819 and 1835 & 1838 the same to be submitted to your Honorable Commission for a full and complete investigation, and if found correct as stated, to be granted all the rights, privileges and immunities of other Cherokee citizens, and petitioner herewith files his proof in support of said claim, and respectfully awaits the time when his application shall be heard by said tribd.

Respectfully submitted,
Andrew J. Dawson,

Enrollment of family, with relationship as claimed, is follows:

Names.	Ages.	Relationship.
Minnie E. P. Dawson,	25	Daughter,
Olive Maud Dawson,	23	Daughter
William H. T. Dawson,	20	Son,
Jesse K. Dawson,	18	Son.
Glen Dale Dawson,	16	Daughter.
James K. P. Dawson,	7	Brother.
William A. Dawson,	13	Nephew.
Maggie E. Dawson,	8	Neice.
Richard A. Dawson,	17	Nephew.
Mary E. Dawson,	5	Neice.

IN WITNESS WHEREOF, I hereunto set my hand this Third day September 1896.

(signed) Andrew J. Dawson."

Jurat on back as follows:

United States of America,
Indian Territory,
Northern District.

Andrew J. Dawson, of lawful age, being duly sworn states that he knows the facts set forth in the above and foregoing application and that the same are true as he verily believes.

(signed) Andrew J. Dawson,

Subscribed and sworn to before me on this the 3rd day of September 1896.

(signed) J. A. Tillotson,
Notary Public.

(Seal)
My Commission expires June 8" 1899.

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Indian Territory,)
Northern Judicial Dis- (SS.
trict

Andrew J. Dawson, of lawful age, being by me first duly sworn on oath says that he is 52 years old that his post office address is Afton, I. T. Affidavit further says that he is a citizen of the Cherokee Nation and a Cherokee Indian by blood deriving his Indian blood from Polly Rogers daughter of Captain John Rogers, that Polly Rogers, a daughter of Captain John Rogers married Samuel Dawson near Calhoun, Tenn. on the Hiawathia river while emigrating to the west.

Affidavit further says that Samuel Dawson and Polly Rogers are his Grandfather and Grandmother and that Captain John Rogers was recognized by the National Council of the Cherokee Nation as a Cherokee citizen in the laws of the Cherokee Nation of 1852 as follows: An act of the Council of 1848 page 66, an act of Nov. 17" 1843, page 90. also an act of Nov. 16 1849 page 204.

Affidavit further says that he is a blood relation of E. Dawson, F. K. Dawson, Joseph Dawson, and John Dawson who were admitted to citizenship by the Cherokee Nation and whose names appear upon the authenticated rolls of 1883.

(signed) Andrew J. Dawson.

Subscribed and sworn to before me this 3" day of September A. D. 1896.

(signed) J. A. Tillotson,
Notary Public.

(Seal)
My Commission expires June 8" 1899."

"Indian Territory, }
Judicial Dist. } S.S.

F. K. Dawson, of lawful age, being by me first duly sworn on oath says that he is 54 years old; that his post office address is Afton, Indian Territory. Affidavit further says I have known Andrew J. Dawson for the past 10 years and have known him and recognized him as a Cherokee Indian and a cousin of mine, he claims to have originated from the family of Joe Dawson and he was a brother of Robert Dawson my father, and he being an offspring of Sam Dawson, who married Polly Rogers, a daughter of Captain John Rogers, who was a recognized Cherokee Indian.

(signed) F. M. his X Dawson mark

Subscribed and sworn to before me this the 4th day of Sept 1896."

(signed) Frank L. Sharp
Notary Public. (Seal)"

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"Ind Ter
Northern Dist

This affidavit made this 4th day of Sept 1896 by E. Dawson of this Dist in the Cherokee Nation I have known A. J. Dawson 10 years and have known him and recognized him as a Cherokee Ind and a cousin of mine, he claims to originate from the family of Joe Dawson and he was a brother of Robert Dawson and being an offspring of Sam Dawson who was (line in ink drawn through word was) married Pollie Rogers a daughter of Captain John Rogers who was a recognized Cherokee Indian.

(signed) E. Dawson.

Subscribed and sworn to before me this 4th day of Sept 1896.

(signed) J. Barricklaw,
Notary Public,

My commission expires June 8, 1899.
(Seal)"

Indorsed on back: "No. 1509, A. J. Dawson vs Cherokee Nation Filed Sept 7-1896 A. S. McKennon, Com'r."

- - - - - - -

Before the Honorable Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. Cabaniss, A. B. Montgomery, Commissioners.

In the matter of the application of
Andrew J. Dawson, Nation's No.....
Commission's No.....
for citizenship in the Cherokee Nation.

Your respondent, S. H. Mayes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for the grounds thereof says:

1st. That this Commission has not jurisdiction over the parties or subject matter of this controversy.

2nd. That the application does not state facts sufficient if true, to show that the applicant . . . entitled to citizenship.

Respondent not waiving his aforesaid demurrer, but insisting upon the same for answer to said application, says that John Rogers through whom the petitioner claims to derive right to citizenship in the Cherokee Nation, is not now, - . . and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory, as at present located and defined; that his name does not appear on any of the authenticated rolls of said nation; that neither nor any of his ancestors now reside, or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof.

See case Nation's No. 1573.

Having fully answered, your respondent asks to be hence dismissed.

S. H. Mayes, Principal Chief Cherokee Nation.

B. Hutchings, Hastings & Boudinot, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matter contained in the foregoing answers are true, to the best of his knowledge and belief.

(signed) John L. Adair,

Subscribed and sworn to before me this the [illegible] of Oct 1896.

(signed) D. J. Ball,
Notary Public.

(Seal)"

Indorsed as follows: "Nation's No. 4679.
Commission's No. 4694, In re application of Andrew J. Dawson, DEMURRER AND ANSWER. Filed Oct 21 H. M. Jacoway, Sec."

The foregoing documents, comprising the 1896 papers as above set forth, are inclosed in envelope indorsed:

"No. 4694, Petition of Andrew J. Dawson, and heirs, Cherokee, 9-7-96. Rejected."
Which envelope is inclosed in jacket, marked "No.4694."

- - - - - - -

BY MR. HUTCHINGS: Now we desire to introduce the records in the case of Joanna Barber, et als., No. 1864, the United States Court number being 90, and the Nation desires to call especial attention to the testimony of W. C. Rogers and Sarah Carter as set forth in this case.

BY MR. McKENNON: To all of which applicants object, because it is wholly irrelevant, immaterial and incompetent.

Records in said case are as follows:

blood is shown by proof here-
with filed.

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss and Alexander B. Montgomery, United States Commissioners authorized by an act of Congress of June 4, 1896, to hear and determine claims for Citizenship in the Cherokee Nation:

Gentlemen:- The undersigned, your petitioner, Joanah Barber, for and on behalf of himself and heirs, this day makes this their application to you for the purpose of being placed on the revised roll of Cherokee Indians and of those entitled to

share in the distribution of funds and allotments of land in Cherokee Nation, by virtue of their Cherokee blood, and I herewith submit the affidavits of E. Dawson, S. E. Dawson, W. A. Dawson & F. M. Dawson in support of said claim, and respectfully await the time when our application shall be heard and tried.

Respectfully submitted,
(signed) Joannah Barber.

Enrollment of family, with relationship attached, as follows:

Names		Age	Relationship.
Joannah Barber,		60	Daughter of Elizabeth or Betsy
Isaac J. "	Husband	65	Petty, nee Dawson, who was a
Chas E. "		26	daughter of Polly Dawson, nee
M. R. "		24	Rogers who was a daughter of
James E. "		18	Capt Jno Rogers and Ailey Rogers
Johny "		6	nee Vann a Cherokee Indian by
Joel A. Barber		39	blood as is shown by proof here-with filed.

In witness of which I hereto set my hand on this 6 day of August 1896.

(Signed) Joannah Barber."

Indorsed as follows: "Pd 8.50 No.... Petition of Joannah Barber for self and on behalf of herself and heirs."

TO THE HONORABLE HENRY L. DAWES AND OTHERS COMPOSING THE COMMISSION TO THE FIVE CIVILIZED TRIBES:

Your petitionor, Joannah Barber, would state and show from the proof submitted to the Commission that he is a Cherokee by descent and by blood having been born in Carroll County, State of Ark. on the 5 day of Dec 1835. My father's name was John Petty. My mother's name was Elizabeth Petty, nee Dawson. That I now reside in the Cherokee Nation, and have resided there for 10 years. And I am above the age whose facts can be established by proof to the satisfaction of the Commission under such rules and regulations as it may prescribe. And I am further aware that these facts being proved that I am entitled to be adjudged under the laws of such Nation and the laws of the Congress of the United States and the treaties of such Nation with the United States, a citizen of such Nation, with all the rights, privileges and protection of citizenship in such Nation. Wherefore I herewith respectfully submit to the consideration of the Honorable Commission such proof and on the hearing I be adjudged entitled to such citizenship and her name be placed upon the proper roll as a citizen of such Nation.

(signature Joannah Barber.

INDIAN TERRITORY,)
(ss
FIRST JUDICIAL DIVIS)

Now on this 6 day of Aug personally appeared before me W. J. Watts a Notary Public in & for the said Territory, Joannah Barber, who being duly sworn upon his oath states that the facts set forth in the foregoing petition are correct and true.

Subscribed and sworn to before me this [illegible] day of August 1896.

(signed) W. J. Watts,
Notary Public.
(Seal)"

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"(COPY)
In the matter of the claim of Joanah Barber nee Joanah Petty to Cherokee Indian Citizenship in the Cherokee Nation, Indian territory.
Affidavit of S. R. Dawson.

Delaware District,)
Cherokee Nation,)
First Judicial Division,)
U.S. Court, Indian Territory. (SS
)
)
)

S. R. Dawson, to me well known to be a liable and respectable, after being duly sworn according to law states on oath, that he is a bona-fide citizen of the Cherokee Nation by blood- that he is a resident of said Nation- that his post-office address is Afton, I. T.; that he is fifty-one years of age- that he is well acquainted with the claimant Joanah Barber and has as long as he has known any person- that she is of Cherokee Indian descent- that her maiden name was Joanah Petty- that she was the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of Polly Rogers, a person of Cherokee Indian descent, who intermarried with Samuel Dawson, a white man- that he said Polly Rogers was the daughter of Captain John Rogers and Ailsey Vann both well known Cherokee Indians.
Affiant is not directly nor indirectly interested in the result of this application.
(Impress of National Seal) (signed) S. R. Dawson.
Subscribed & Sworn to before Jany 6 1893
(signed) W. P. Boudinot,
Notary Public."

"United States of America,
Indian Territory, (ss
First Judicial Division.
I, William F. Rasmus, a Notary Public within and for the Judicial Division aforenamed, do hereby certify that the next above in the within one page of an affidavit is a true and literal copy of the original as presented to me at Tahlequah, Ind. Terry, this the Third day of July A.D. 1893.
(signed) William F. Rasmus,
Notary Public, First Judicial Division, Indian Territory.
(Seal) My Commission expires Feby 3, 1897."

(A copy)

In the matter of the claim of Joanah Barber (nee Joanah Petty)

to Cherokee Indian Citizenship in the Cherokee Nation, I. T. Ter.

Affidavit of E. Dawson,

Coowescoowee District,)
Cherokee Nation,)
First Judicial Division,) ss
U. S. Court, Ind. Ter.)

E. Dawson, to me well known to be reliable and responsible after being duly sworn according to law upon oath states that he is a Bonified citizen of the Cherokee Nation by blood- that he is a resident in said Nation that his post office address is Talala, Ind Ter.-that he is 58 years of age- that he is well acquainted with the claimant Joanah Barber and has been as long as he can remember any person- that she is a person of Cherokee Indian descent the her maiden name was Joanah Petty- that she was the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of one Polly Rogers a person of Cherokee descent, who intermarried with Samuel Dawson, a white man, that the said Polly Rogers was the daughter of Captain John Rogers a well known Cherokee Indian.

Affiant is not directly nor indirectly interested in the result of this application.

(signed) E. Dawson.

Subscribed and sworn to before me this the 24th day of Febry 1897

(signed) A. F. Williams,
Notary Public.

(Impress of
National Seal
here.)
Com. Expr. Sept. 26/98.

United States of America,
Indian Territory, } S S
First Judicial Division.

I, William F. Rasmus, a Notary Public within and for the First Judicial Division, Indian Territory, do hereby certify that the next above and the within one page of an affidavit is a true and literal copy of the original presented to me at Tahlequah, Ind Ter. this the third day of July A.D.1897.

(signed) Wm. F. Rasmus.

(Seal) Notary Public, First Judicial Division; Indian Territory, My Commission expires Febry 7, 1897.)

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United States of America,
Western District of Arkansas. SS.

In the case of one Joanah Barber claimant for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian authority at Tahlequah, Cherokee Nation, Indian Territory.

Personally came this day before me William F. Rasmus, a Commissioner U. S. Court within and for the District aforesaid duly authorized to administer oaths W. A. Dawson, to me personally well known to be reputable and entitled to credit, and who being by me first duly sworn according to law, deposes and

and says: My name is F. A. Dawson, my age is [illegible]; my post-office address Tulsa, Ind. Terry. I am a [illegible] citizen, I am a citizen of the Cherokee Nation, I. T. by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: That he is personally well acquainted with the claimant, Joanah Barber- whose mother's name was Elizabeth (commonly called Betty) Petty, Dec'd nee Elizabeth Dawson, - a Cherokee Indian by blood, and she was the sister of his father; James Dawson, Dec'd, a recognized and acknowledged Cherokee Indian by blood- that said sister of Robert Dawson Dec'd a recognized and acknowledged Cherokee Indian by blood- said Robert Dawson having been full brother to said James Dawson- that therefore the said claimant, Joanah Barber is his (affiant's) first cousin by Cherokee Indian blood and that he so recognizes and acknowledges her.

(signed) F. A. Dawson.

Subscribed and sworn to before me at Tahlequah, Ind. Terry this third day of December A.D.1894.

(signed) W. J. Rogers,
(seal) United States Commissioner."

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"UNITED STATES OF AMERICA.)
Western District of Arkansas.)ss

In the case of Joanah Barber claimant for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian authority at Tahlequah, Cherokee Nation, Indian Territory.

Personally came this day before me William J. Rogers, a Commissioner of the U. S. Dist. Court within and for the District aforesaid duly authorized to administer oaths Francis M. Dawson, to me made personally well known to be reputable and entitled to - - and who - - duly sworn according to law deposes and says: My name is Francis M. Dawson my age is about 57 years, my post-office address is Afton, Ind. Terry, I am a farmer by occupation, I am a citizen of the Cherokee Nation, by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: I am personally well acquainted with the claimant Joanah Barber, whose mother's name was Elizabeth (commonly called "Betty") Petty, nee Elizabeth Dawson, Cherokee Indian by blood, said Elizabeth Petty was a full sister of my father Robert Dawson Dec'd, a Cherokee Indian by blood- and I acknowledge the relationship by Cherokee Indian blood of Joanah Barber to me as first cousin- and I know that the said Joanah Barber therefore is of Cherokee Indian blood.

(signed) F. M. Dawson.

Subscribed and sworn to before me at Tahlequah, Ind. Terry- this 17th day of November A.D.1893.

(signed) W. J. Rogers,
(seal) United States Commissioner.

Indorsed on back as follows: "No. 1 Filed Feb 24 1897, Jas. A. Winston, Clerk."

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"Page 2, Docket "B"
Joannah Barber.
Office Commission on Citizenship,
Tahlequah, C. N. August, 1887.

Docket. No.	Names	Age.	Sex.	Post Office.	Att'y.
1	Joannah Barber	61	female	Vinita, I. T.	
2	Ailey J. Barber	34	female		
3	Irena Barber	24	female		
4	Etta Barber	22	female		
5	Atta Barber	20	female		
6	Mary Barber	17	female	applicant for	
7	Onice Barber	17	female	Cherokee Citizenship	
8	Joel Barber	31	male	Rolls 1835	
9	Calaway Barber	27	male		
10	Toliver Barber	26	male	Ancestor	
11	Riley Barber	15	male		
12	Edgar Barber	9	male		
	V.S.			John Rogers &	
	Filed Aug. 12, 1887.			Aley Pruett	

See decision this case in that of L. R. Dawson, adverse to claimant in this Book page 20.
This April 20th, 1889.
D. S. Williams, Clerk Com.
Will. P. Ross, Chairman,
J. E. Carter, Com."

"S. R. Dawson.
Office Commission on Citizenship,
Tahlequah, C. N. August 11th, 1887.

Docket. No.	Names.	Age.	Sex.	Post Office	Att'y.
1	S. R. Dawson,	47		Catoosa, I. T.	
2	Parlee Dawson,	44	female		
3	America J. Dawson,	25	female		
4	Katherine J. "	15	female		
5	J. C. Dawson,	31	male		
6	Elias F. Dawson,	28	male		
7	Toliver Dawson,	27	male	Applicant for	
8	Etta Dawson,	20	female	Cherokee	
9	Fanny Dawson,	16	female	Nation	
10	John Riley Dawson	11	male		
11	Robt. E. Dawson,	9	male		
12	Clara Dawson,	7	female		
13	Cleveland Dawson	3		Ancestor	
	Filed Aug. 11, 1887.			John Rogers	
	Rejected April 20, 1889.				

Now this day comes the above case for final hearing, Samuel R. Dawson bases his application for re-admission to Citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson, a white man, Polly Rogers, the alleged daughter of Captain John Rogers, and Aley Pruett said to be half sister of Joseph Vann commonly known as Rich and who were of Cherokee Blood. It is admitted that John Rogers was

Chilsey Pruett died before [illegible] of proceedings in the 7th section of the Act of December 6th, 1906, creating the Commission on Citizenship cases made, but in support of the application it is urged that certain members of the Dawson family the full brothers of the applicant were admitted to citizenship by the Commission on Citizenship commonly known as the"Tehee Court" and"Spears Court" and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the consideration which determined the decisions of former Commissions or the testimony now introduced to authorize the admission of the present applicant is not involved in the issue now pending. The 7th Section of the Act of December 6th, 1906, before provides that the Commission hearing to any person applying for citizenship in the Cherokee Nation upon the grounds of Cherokee blood or descent, the applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Cherokees taken by the United States, [illegible] hereafter mentioned, neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls, the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission of citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the case of Andrew J. Dawson, James R. P. Dawson, Joannah Barber, nee Joannah Dawson, and Jane Queen, nee Jane Dawson and their families as enumerated in their respective applications.

Will. P. Ross, Chairman,
T. Buffington, Commissioner,
John E. Hunter, Commissioner.

This April 26th, 1909,
D. S. Williams, Clerk Com."

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United States of America,)
Indian Territory, (ss.
Northern District.)

W. C. Rogers being duly sworn on oath deposes and says: that he is a citizen and resident of the Cherokee Nation, Indian Territory. That his post-office address is Skiatook, Ind. Ter. that he was born and raised in the above said Nation and Territory; that he is 46 years of age:

Affiant further states that he is slightly acquainted with Irena J. House, an applicant for admission to citizenship in the Cherokee Nation as shown by copy of her application.

Affiant further states that his father's name was Charlie Rogers- who was a son of Captain John Rogers and the said Capt. John Rogers was the only man of that name that ever lived in the Cherokee Nation that this affiant ever heard of; that the said Capt. John Rogers this affiants grandfather lived at Grand Saline, I. T. and died in Washington, D. C.

This affiant states that his father Charlie Rogers had one sister and five brothers viz. Cynthia Rogers, Lewis Rogers, George Rogers, Nelson Rogers, Granvil Rogers and Randolph Rogers; that he (this affiant) was well and personally acquainted with the above said parties- except Granvil and Randolph Rogers, who were killed when this affiant was quite young

This affiant on [illegible] 34 years [illegible], that his father, Charlie Rogers died, that his father [illegible] and one Polly (last name illegible) [illegible] of sisters than the ones above mentioned; that the said Polly Rogers named in the application for citizenship of Irene J. Vance, was not a sister of his fathers; that his father had but one sister viz. Cynthia Rogers who this affiant ever heard of; that this affiant was well acquainted with his aunt Cynthia Crump-"

Just here the following is inserted on separate paper:

"EXECUTIVE DEPARTMENT OF
CHEROKEE NATION. I, John L. Adair, Executive Secretary of the Cherokee Nation, do hereby certify that I have compared the foregoing with the original record in my Department, and that the same is a correct transcript therefrom.

In witness whereof I have hereunto set my hand and affixed the Great Seal of said Cherokee Nation, at Tahlequah, this, the 5th day of Feb. 1896.

(signed) John L. Adair,
Executive Secretary."
(Seal)

Then the above affidavit continues:

"(nee) Rogers that she lived with this affiant's father a number of years prior to here death.

Affiant states that he has often talked with his father, Charlie Rogers and his aunt Cynthia Crump (nee Rogers) about his relatives; that they never spoke of any other sisters in their family; that this affiant was about 20 years of age when his aunt, Cynthia Crump died; that they told him where never was (words "never was" marked over with ink) father never had any other daughter or daughter other than Cynthia Rogers

Affiant states that his father told him a number of times, that this affiants grandfather Capt John Rogers never had any other family other than the one above mentioned; that this affiant never heard his father Charlie Rogers or any of his relatives speak of his grandfather Capt John Rogers ownin or running a boat up any river.

Affiant states his father Charlie Rogers was born [illegible] Mulberry, South-east of Van Buren, Arkansas, in the year of 1817.

Further affiant saith not.

W. [illegible] Powers.

Subscribed and sworn to before me on this the First day of October, 1896.

(signed) William F. Hall,
Notary Public,
(seal) My Commission expires January 16th, 1900."

United States of America,)
Indian Territory, (SS
Northern District.)

Mrs. Sarah Carter being first duly sworn states; that she is a citizen and resident of the Cherokee Nation, Ind. Ter. and her post office address is Tahlo, I. T., that she is 65 years of age.

POOR ORIGINAL -
BEST AVAILABLE COPY

Affiant states that she is the daughter of Charles Rogers; that her grand father on her father's side was Capt John Rogers. Affiant further states that W. C. Rogers is her brother, and that she has read the foregoing affidavit of W. C. Rogers, and knows the contents thereof; that the facts therein set forth are true as she verily believes.

(signed) Sarah Carter.

Subscribed and sworn to before me this the first day of October, 1896.

William N. Hall,
Notary Public.

My Commission expires January 10th 1900."
(seal)

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"Before the Honorable Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. - (name torn off) A. D. Montgomery, Commissioners.

In the matter of the application of Nation's No.1573
Jeanah Barber Commission's No...
et al-
for citizenship in the Cherokee Nation.

Your respondent, S. H. Mayes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for as grounds thereof says:

1st. That the Commission has not jurisdiction over the parties or subject matter of this controversy, and not legal right, therefor, to hear and determine the same.

2nd. That the application does not state facts sufficient, if true, to show that the applicants are entitled to citizenship.

Respondent not waiving the aforesaid demurrer, but insisting upon the same for answer to said application, says that John Rogers through whom the petitioners claims to derive their right to citizenship in the Cherokee Nation, is not now, and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory as at present located and defined; that his name does not appear upon any of the authenticated rolls of said Nation; that neither they nor any of their ancestors now reside or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof.

Having fully answered, your respondent asks to be hence dismissed.

S. H. Mayes, Principal Chief Cherokee Nation.

By Hutchings, Hastings & Bruner, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matter contained in the foregoing answer are true, to the best of his knowledge and belief.

(Signed) John L. Adair,

Subscribed and sworn to before me this the 5 day of Oct. 1896.

(Signed) D. H. Bell,
Notary Public.

(seal)

Indorsed: A bad as follows: " 1654 90 Docket's No. 1277, Commission's No..... In the application of No 2 Joanna Barber. Demurrer and Answer Filed Mar 15 1897 Jno. A. Winston, Clerk/ Filed Oct 7 1899 W. H. Jacoway, Secy."

"BRIEF.

BEFORE THE HONORABLE COMMISSION OF THE UNITED STATES OF AMERICA,

Duly appointed and empowered to Act, under and by virtue of the Act of Congress of June 4th 1896, to hear and determine all claims for citizenship of the five Civilized Tribes of Indians, to-wit:
Cherokee, Creek, Choctaw, Chickasaw and Seminole Indians.

In the matter of the application for citizenship in the Cherokee Nation, of Joanna Barber and her children, to-wit:

Otis T. Barber, William E. Barber, James E. Barber, Johnnie Barber and Joel A. Barber.

In the matter of the application for citizenship in the Cherokee Nation of Joel A. Barber and his children, to-wit: Mattie Barber, Oliver Barber, George A. Barber, Frankie C. Barber, Jessie Barber and Ethel Barber.

In the matter of the application for Citizenship in the Cherokee Nation of Mary A. Baker and her child, to-wit: Inez Baker.

In the matter of the application for citizenship in the Cherokee Nation of Ella L. Murphy and her child, to-wit: Claude M. Murphy.

In the matter of the application for Citizenship in the Cherokee Nation of Ella Moore and her children, to-wit: Anna J. Moore, Jackson D. Moore, Rheaby Moore and Gladys Moore.

In the matter of the application for Citizenship in the Cherokee Nation of Addie L. Hunt and her child, to-wit: Dorman Hunt.

In the matter of the application for Citizenship in the Cherokee Nation of Alsey J. Smart and her children, to-wit: Georgia A. Smart and Emzy M. Smart.

In the matter of the application for Citizenship in the Cherokee Nation of Joannah J. Garlinghouse and her children, to-wit: Myrtle O. Garlinghouse, Cora L. Garlinghouse and Martha L. Garlinghouse.

In order that the Honorable Commission may clearly and fully understand the proof and merits of the Claim of the aforesaid Claimants, we deem it necessary to present to the Honorable Commission, the genealogy of each of said Applicants, to-wit:

Joanna Barber, whose maiden name was Joanna Foley, is a daughter of Elizabeth Foley, nee Dawson and a granddaughter of Polly Dawson, nee Rogers and a great granddaughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Joel A. Barber is a son of Joanna Barber, nee Petty and grand son of Elizabeth Petty, nee Dawson and a great grand son of Polly Dawson nee Rogers and a great great grand son of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted. Mary A. Bower, whose maiden name was Mary A. Barber, is a daughter of Joanna Barber and a grand daughter of Elizabeth Petty, nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

E. a Murphy, whose maiden name was E. a Barber, is a daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabethe Petty, nee Dawson and a great great grand daughter of Polly Dawson nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the submitted proof.

E. a Moore, whose maiden name was E. a Barber, is daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the submitted proof.

Attie L. Hunt, whose maiden name was Attie L. Barber, isa daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blodd, as shown by the submitted proof.

Alcey J. Smart, whose maiden name was Alcey J. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson, and a great great daughter of Polly Dawson, nee Rogers, and a great great great daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Joanna J. Carlinhouse, whose maiden name was Joanna J. Smart, is a daughter of Alcey J. Smart, nee Barber, and a grow daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great great great daughter of Polly Dawson, nee Rogers, and a great great great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Wherefore, the Claimants pray the Honorable Commission, that after a careful examination of their application and an impartial investigation of the proof herein submitted, you will adjudge each of said Claimants, together with their aforementioned Children, entitled to citizenship in the Cherokee Nation, and that you enroll the name of each Claimant, together with the names of their aforementioned children, upon the Cherokee roll, and that you grant to them all the rights, privileges and immunities of citizens of the said Cherokee Nation.

(signed) Hubbard, Carland & Watts,
Council for Petitioners.

Indorsed on back as follows: "No 3 Filed Feb 24 1897, Jas. A. Winston, Clerk."

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Commissioners,
Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Callaniss, Alexander B. Montgomery--H. M. Jacoway, Secretary.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,
Vinita, Indian Territory, Oct 3 . 1 96.

Joshua Barber, Filed Sept. 8, Answer Filed,
vs. Application denied.
Cherokee Nation.

I, H. M. Jacoway, Jr., Secretary, do hereby certify that the above and foregoing is a true and correct copy of Cherokee Record A. Page 207 of the Commission to the Five Civilized Tribes.

Given under my hand and official signature this the 12 day of Feb. 1897.

H. M. Jacoway, Jr.,
Secretary."

Indorsed as follows: "1804 No. 4 Filed Feb 24 1897 Jas. A. Winston, Clerk."

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"BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Joshua Barber et al,
vs.
Cherokee Nation.

No.1804.

AFFIDAVIT FOR APPEAL.

Now come the said Joshua Barber et al applicants for citizenship in this case by W. B. Watts, one of their attorneys, and pray an appeal from the decision of the Honorable Commission to the United States District Court as provided by the Act of Congress approved June 10th, 1896.

And the said W. B. Watts, being duly sworn and acting on behalf of said applicants, says that the appeal prayed for in this case is not asked for the purpose of delay but that justice may be done the appellants.

(signed) W. B. Watts,

Sworn and subscribed to before me this 22nd day of December 1896.

(signed) J. C. Lindsey,
(SEAL) Notary Public.
My Commission expires March 30th 1897."

Indorsed: "Court 90."

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"Received of E. L. Lecompt, Jr., Secretary of the Commission to the Five Civilized Tribes, the original papers, in the case of - - - - vs - - - - Nation, as follows:

/ / / / / / /

Witness my hand and official seal at Muskogee this the 20 day of Feby 1897.
(SEAL) (signed) J. G. Winston, Clk."

Indorsed: "Court ," 30 No.1864. receipt for original papers in the case of Joe a Barber et al vs. Cherokee Nation. Received and filed this . . . day of . . . 189. . . Secretary."

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"IN THE UNITED STATES COURT FOR THE INDIAN TERRITORY, NORTH ERN JUDICIAL DIVISION, AT MUSKOGEE, IND. TER.

Joe ma Barber Onis E. Barber, William H. Barber, James M. Barber, Jessie Barber, Joel A. Barber, Mary A. Barber, Ella Lane, Attie L. Hunt, Alcey J. Swart, APPELLANTS.
VS
CHEROKEE NATION, APPELLEE.

PETITION FOR APPEAL FROM THE DECISION OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

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Come now the appellants in the above entitled cause and petition the Court to grant an appeal in said cause from a decision of the Commission, known as the Dawes Commission, created and empowered to treat with the Five Civilized Tribes of Indians, to-wit: the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Indians, and to pass upon and decide applications for citizenship in the said Five Civilized Tribes, which decision by said Commission was rendered by authority of, but not in accordance with, an Act of Congress passed and approved June 10th, 1896, and by which decision on the 29 day of October, 1896 the aforesaid appellants were denied their rights to citizenship in the Cherokee Nation, Indian Territory.

The facts relied upon by the appellants to establish their rights to citizenship in the Cherokee Nation, as aforesaid are as follows: to-wit: The affidavits of E. Dawson, S. A. Dawson W. A. Dawson, F. M. Dawson.

Said affidavits fully and conclusively establishing the fact that said applicants are Cherokee Indians, by blood and descent, and entitled to rights of citizenship in the Cherokee Nation.

Said affidavits, together with the application of said appellants, were, prior to September the 10th, 1896, filed with and submitted to said Commission for its investigation, consideration and decision.

That a certified copy of said application, together with the accompanying affidavits, were served upon the Chief, or Attorney General, of said Cherokee Nation, prior to September the 10th, 1896.

The errors of the Commission in rejecting the claims for citizenship of said appellants are the grounds for appeal to this Court, to-wit:

FIRST. The Commission erred in rendering its decision on said claims adversely to the appellants and against the proof submitted by said appellants.

SECOND. The Commission erred in its action in the claim of appellants and denying the same, the absence of a majority of the members of the Commission.

THIRD. The Commission erred in refusing the appellants the right and privilege of examining the proof submitted by appellee in support of the answers filed by the appellee, and denying the appellants the right of filing replication to appellee's answer or cross-proof in rebuttal of the same.

FOURTH. The Commission erred in denying the appellants the right of a trial of their claims by a competent jury, as granted to them by the laws and constitution of the United States.

FIFTH. The Commission erred in refusing appellants the right to be present in person, or by attorney, during the trial and determination of their claims by said Commission.

SIXTH. The Commission erred in refusing to issue process for witnesses and to send for persons and papers when requested to do so by the appellants.

SEVENTH. The Commission erred in deciding against the right of these appellants to be enrolled as citizens of the Cherokee Nation.

EIGHTH. The Commission erred in deciding against the claim, holding that blood was not a test of the right of citizenship in said Cherokee Nation.

NINTH. The Commission erred in deciding against the question of residence, holding that residence in the Cherokee Nation was not a test of the right of citizenship in the said Cherokee Nation.

TENTH. The Commission erred in not entering upon their docket or record the information upon which the claims of appellants were denied and refusing to notify appellants the grounds of denial or rejection.

ELEVENTH. The Commission erred in examining the claims and proof of appellants and denying the same while the Commission was not clothed with any legal authority, nor had jurisdiction, to render decision on said claims and deny the same.

TWELVTH. That the Act of Congress approved June the 10th, 1896, was unconstitutional and had no power or legal right to confer jurisdiction on said Commission to try and determine the rights to citizenship of said appellants, and said Commission erred in determining the rights and denying the same to said appellants.

THIRTEENTH. That Congress had no power by enactment to create, appoint and empower a judiciary, and said Commission erred in denying the claims of said appellants without any legal authority to do so.

Therefore, the appellants pray that an appeal be granted to this Court, that a trial, de novo, be granted the appellants, and that said appellants be permitted to introduce new testimony, and that an order be made requiring said Commission to send all pleadings, papers and records filed before it in this cause to this Court, at Fort Smith, Arkansas, the appellee in the cause, be cited to appear

at this Court and plead and defend against the said ... show why the appellants should not by the rules, orders and decisions of this Court be adjudged entitled to citizenship in the said Cherokee Nation, and the appellants will ever pary.

(signed)
W. B. Watts,
A. H. Garland,
T. J. Watts,
Attorneys for Appellants."

Indorsed on back: "Cherokee Citizenship Case, No. 00 No 5 Joanna Barber et al vs Cherokee Nation Filed Dec 23 1896 Jas A Winston Clerk Watts, Garland & Watts, Attorneys for Appellants."

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"SUMMONS.

In the
United States of America,)
Indian Territory, (ss.
Northern District.)

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Marshal for the Northern District, Indian Territory:

You are commanded to summon the Principal Chief of the Cherokee Nation, or the Attorney General of said Nation, to appear on the first day of next May term of the United States Court for the Northern District, Indian Territory, at Muskogee, Indian Territory, begin the 4th day of May, 1897, A.D. 189-- a petition praying an appeal from the decision of the Commission to the Five Civilized Tribes duly filed in said Court by Joanna Barber, Chas E. Barber, Wm R Barber, Jas E Barber, Jennie Barber, Joel A. Barber, Mary A. Barber, Emma Moore, Attie L. Hunt, Alcey J. Smart, who claim to be entitled to be enrolled as citizens of said Nation, in the United States Court for the Northern District, Indian Territory, which petition is now pending in said Court, and upon his upon a failure to answer petition within thirty days from the time of the service of this writ, the same will be taken for confessed, and you will make due return of this summons within ten days after the actual service of this writ.

Witness the Honorable William H. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, this 28th day of Dec. 1896 A.D. 189--

(signed) J. A. Winston, Clerk.

(SEAL)"

"MARSHAL'S RETURN.

I received this summons the 28th day of December A.D. 1896 and served the same as follows: T. T. Hutchings, Attorney of the Cherokee Nation Int'er Accepted Service on the within at Muskogee, Ind Ter on this 12th day of January 1897

(signed) W. B. Watts

U. S. Marshal

By .....Deputy."

Indorsed on back as follows: "Citizenship Case No. 90 No. 6.. Nation... Summons....Attorneys for Claimants."

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"Joanna Barber et al.
vs. No.90.
Cherokee Nation.

Mr. W. A. Gibson, Special Master, to whom the case was referred, submits the following report:

'IN THE UNITED STATES COURT IN THE INDIAN TERRITORY,
NORTHERN DISTRICT, AT MUSKOGEE.

JOANNA BARBER ET AL)
-VS)- : REPORT OF SPECIAL MASTER.
THE CHEROKEE NATION.)

----------oOo----------

I, W. A. Gibson, Special Master herein, show to the Court that under the general order herein, I have examined the proof and pleadings herein, which is hereto attached and made a part hereof, and as to which I find as follows:

I

This this cause was instituted on September 8th, 1896, before the Dawes Commission to the Five Civilized Tribes, by Joanna Barber, and Isaac J. Barber, her husband, and their Children, Onie E., Willie R., James E., Johnnie and Joel A. Barber. That Joel A. Barber has the following children, Hattie Toliver, George A., Frankie C., Josephine and Ethel Barber. That the application includes also Mary A. Mosier and her child Inez Mosier, Emma L. Murphy and her child Claud Murphy, Emma Moore and her children Anna J., Jackson D., Ruby and Gladys, Attie L. Hunt and her child Dorman Hunt, Albert J. Smart and her children Georgia A. and Erzey M. Smart, Joanna J. Carlile House and her children Lyrtle C., Cora L. and Bertha M. Carlile Reese. That this application was by the Commission tried and rejected on October 30th, 1896, with no reasons given for the decision, and that subsequently on December 23, 1896, the claimants appealed to this Court. That the parties all live in the Cherokee Nation, Indian Territory.

II

That the parties claim the right to be admitted to citizenship in the Cherokee Nation by reason of their descent from Polly Rogers, who is claimed to be a Cherokee Indian by blood. That there filed in support of their application the affidavits of S. R. Dawson, E. Dawson, Francis M. Dawson, and W. A. Dawson, who testify that Joanna Barber is the daughter of Elizabeth Raley, nee Dawson, who was the daughter of Polly Rogers, who married a white man by the name of Samuel Dawson, and that Polly Rogers was the daughter of Certain John Rogers and Ailsey Vann. That these witnesses are all Cherokee citizens by blood, acquainted with the

claimants, and according to their testimony, related to the [illegible].

The apellee introduces to contravene this testimony the decision of the Cherokee Commission on Citizenship, rendered in the year 1907, in which these claimants were rejected by this Commission and also the affidavits of W. C. Rogers a grandson of Captain John Rogers, and Mrs. Sarah Carter, a granddaughter of Captain John Rogers, both of whom state that they never heard of any daughter of said Captain John Rogers by the name of Polly Rogers, and that Cynthia Rogers was his only daughter.

III

The claimants contend that they are residents of the Cherokee Nation, and are relatives of the Dawson family, who are recognized citizens of the Cherokee Nation by blood, are entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is not nor has not been a citizen of the Cherokee Nation since the removal West; that his name does not appear on the rolls of the Cherokee Nation, and that he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

The premises considered, in view of the unsettled condition of affairs in the Cherokee Nation at the time when Captain John Rogers, the ancestors through whom these claimants trace their Cherokee blood, lived, and especially in view of the absence of a complete history of records pertaining to marriage, I am of the opinion that these claimants have proved that they are descended from Capt. John Rogers, who resided in the Cherokee Nation, and was a recognized citizen, though they do not show that he was ever enrolled as such, and I therefore find that the claimants are all residents of the Cherokee Nation, Indian Territory, and that they are all Cherokee Indians by blood. That they have resided in the Cherokee Nation since 1867, and probably longer, though the proof does not go to definitely show how long they have so resided.

I ask that the Court allow me a reasonable fee for my services herein as Special Master.

Respectfully submitted this 15 day of August, 1907.

(signed) N. A. Gibson,
SPECIAL MASTER.

"Fee paid.
No Exceptions Filed."

BY THE COURT.

From this report it appears that the claimants base their right to be enrolled as citizens of the Cherokee Nation upon the grounds that they are the descendants of a Cherokee Indian by blood, but their ancestors through whom they claim have never resided in the Cherokee Nation as now constituted. It appears that they have resided in the Cherokee Nation since 1867, and probably longer, though the proof does not go to definitely show how long they have so resided. It does not appear that the applicants or any of their ancestors have ever been recognized as members of the Cherokee Nation.

The judgment of the United States Commission rejecting this case is affirmed, and the application of the claimants

to be enrolled as citizens of the Cherokee Nation, final order."

Indorsed on back: "No. 7 Joanna Barber et al vs Cherokee Nation, Final Report of Special Master, Filed August 17, 1897, Jos A. Winston, Clerk."

Foregoing papers in Joanna Barber case enclosed in packet indorsed: "In Joanna Barber et al vs Cherokee Nation."

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"MOTION.

UNITED STATES OF AMERICA) In the United States Court for
NORTHERN DISTRICT.) said District.
In the matter of the application of Joanna Barber et al to be enrolled as citizens of the Cherokee Nation.

To the Commission to the Five Civilized Tribes.

You are hereby notified that an appeal has been taken in the matter of the application of Joanna Barber et al to be enrolled as citizens of the Cherokee Nation, from the said Commission, to the United States Court for the Northern District of the Indian Territory, and that your tribunal is requested by said Court to transmit at the earliest time practicable to said Court, at Muskogee, Indian Territory, a transcript of all the entries made in the docket of your tribunal relating to the case, together with the deposition and testimony taken before said tribunal; the decision thereof on the application, and all original papers relating thereto.

Witness the Honorable Wilson H. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, the 27 day of Dec. 1896. A.D. 189--.

(SEAL) (signed) J. A. Winston, Clerk."

Indorsed: "No. 1664 Joanna Barber et al vs Cherokee Nation, APPEAL ORDER OF U. S. COURT."

Foregoing paper enclosed in packet marked: "No. 1664."

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BY MR. HUTCHINGS:

We now introduce the original record in the citizenship case of Irene J. House, et al., before the Commission in 1896, the court number of same being 238, said case being denied by the Commission; appealed to the United States Court, and the decision of the Commission affirmed.

In this case we desire to call especial attention to the certified copy filed therein of the testimony of Arthur Baker, the certified copy having been made in 1894, being the testimony of Dr. Baker in the case of Robert Dawson against the Nation, Number 108, before the Citizenship Commission, and which was made January 19, 1868.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The papers in Docket No. 230, just introduced herein, are as follows:

"Office of Commission on Citizenship,
Cherokee Nation, Tahlequah, January 19, 1903.

No. 108.
Robert Dawson et al) Exhibit C.
vs (
Cherokee Nation.)

Testimony for Claimants

Witness, Dr. Arthur Baker sworn testifies as follows:

My name is Arthur A. Baker I reside at Berryvill Arkansas Carroll County my age is 77 years I am not a Cherokee. I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carrolls County some 35 years - At my Mothers house near Calhoun I became acquainted with the claimants Robt Dawson grandmother on Mother's side she was frequently at my Mothers house though she Anna Pruet lived in the Nation side; She claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee, the first time she brought the claimants mother to my Mothers house she the Mothers mother was about grown when I was a little boy. She called her daughter Polly Rogers, Said Captain John Rogers who had a boat up the River was the father of the child; I saw the girl frequently there at my Mothers and there at Louis Ramsey Store.

I saw her occasionally until I was 15 or 16 years old and I think then Old Capt. John Rogers took her off to school, I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of old Samuel Dawson, I stayed all night there she and I had a talk over our old matters and I asked her where she became acquainted with Dawson and she said at the time she was going to school and she said after she left school that Dawson followed her home, to the Nation and they were there married. I have told that precisely in the words that she used, Capt John Rogers claimed to be one fourth Cherokee. The claimant is the son of Polly Rogers, and I know Polly Rogers to be the daughter of Anna Pruett and I know the claimant to be the son of Polly Dawson.

Capt. Rogers then resided in the Cherokee Country about ~~twenty~~ (Word "twenty" marked through) twelve miles below Calhoun on the Hiwassee River Anna Pruett resided in the Cherokee Nation as long as I stayed there the Dawson when I got acquainted with them Arkansas were recognized where they were as Cherokees. Robert Dawson children is Buck, John, Marian and two girls, The children named in the petition I recognized as being the claimants.

Question by Solicitor:

No. 1 How many children did Polly Rogers have?
Ans. 1 Five I think that's all.
No. 2 Did you say something about some one being married twice?
Ans. 2 The claimant was married twice.
No. 3 Could Anna Pruet speak Cherokee?
Ans. 3 Yes, she could speak it well.

Ques. 3 Did Polly Rogers ever [illegible]?
Ans. 4 She [illegible] was young.
Ques. 5 How far did you live from Ann Pruet?
Ans. 5 Just across the river about 3/4 of a mile.
Ques. 6 Was Calhoun in the Cherokee Nation?
Ans. 6 It was on both sides of the river part in the Nation and part out in the State.
Ques. 7 Which homage did it went to Texas?
Ans. 7 George went first, then John went, they were the sons of old man Farmage, that lived up near the line.
Ques. 8 Did the Claimant go to Texas?
Ans. 8 No the Claimant did not go to Texas.
Ques. 9 What connection was claimant and Polly Rogers?
Ans. 9 The Claimant in the son of Polly Rogers Marion here is the grandson of Polly Rogers.
Ques. 10 Where does claimant now live?
Ans. 10 He lives in Carroll Co Arkansas.
Ques. 11 Do you know what relation old Capt John Rogers was to Charles Rogers here in Cowweeso now?
Ans. 11 They claimed in but what kind I don't know there were two Capt John Rogers in the Nation I am speaking of in the time I first come to this country about the year 1830.
Ques. 12 Was Anna Pruet the maiden name of claimants grandmother
Ans. 12 Yes that was her maden name the Indian called her Since

his
(signed) Arthur x Baker
mark

Witness hand paralyzed is the reason why he signed by a mark this x

I R T Hanks Assistant Executive Secretary do hereby certify that the foregoing document is a true and correct copy of the original as appears of record in the Executive Department of the Cherokee Nation.

Given under my hand and the seal of the Cherokee Nation on this the 5th day of December 1894.

(signed) R. T. Hanks,
(seal) Asst Exec Sec. "

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"To the Honorable the Dawes Commission on Citizenship in the Five Civilized Tribes in the Indian Territory:

Your petitioner, Irena J. House, undersigned, respectfully states that she is a Cherokee Indian by blood, as asks to be enrolled as a member of the Cherokee Nation of Indians in the Indian Territory. That she derives her said Indian blood from Joannah Barber her mother, who is a Cherokee Indian by blood The said Joannah Barber being a daughter of Elizabeth Petty who was the daughter of Polly Rogers and Samuel Dawson, the said Polly Rogers being the daughter of Captain John Rogers and Anna (alwy Vann) Pruet, Cherokee Indians, as shown by a certified copy of the affidavit of Dr. Arthur A. Baker, which is hereto attached as Exhibit A also affidavits marked exhibits B- C- D- and E.

Your petitioner states the above facts as the lawful grounds for her application for citizenship in the Cherokee

Nation, and prays that her name may be fully inrolled by your Honorable Commission as that she be adjudged to be a citizen of said Cherokee Nation of Indians and entitled to all the rights and privileges pertaining to such citizenship in accordance with the laws and treaties with said Nation of Indians.

My age is 34 years. My Post Office address is Talala, Ind. Ter. My family consists of the following named persons: My husband and children as follows:
Wm. J. House, aged 34 years; Chas. C. House, aged 9 years; Winson T. House, aged 8 years, Anny V. House, aged 5 years.

WITNESS my hand this 19 day of August 1896.
(signed) Irene J. House.

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Northern Judicial
District, Ind. Ter. SS.

Personally appeared before me, the undersigned authority, Irene J. House, to me known to be the petitioner in the above petition, who being by me first duly sworn upon her oath says that she is the petitioner in the above petition, that she has read (or heard read) the said petition and that the facts stated therein are true, as she verily believes.
(signed) Irene J. House.
Subscribed and sworn to before me at Talala, Ind. Ter. this 19 day of August A.D.1896.
(signed) J. Barrickman,
Notary Public, My commission expires
(seal) June 8 1899."

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"Exhibit A.
Northern Judicial Division,
Indian Territory.
Joanah Barber being duly sworn according to law, on oath states my name is Joanah Barber I am 61 sixty one years old My Post office address is Watova Ind Ter- My husband occupation is farmer I am a Cherokee in Coweescoowe Dist I am a Cherokee Indian by blood my mother being Elizabeth Petty (nee Dawson) Daughter of Samuel Dawson and Polly Dawson (nee Rogers) and said Polly Rogers is a daughter of Chut Rogers and Ar[illegible]a Vann (commonly called Alsey Vann) the following Irene J. House is my daughter; She was born in Williamson County, Texas May 13" 1863, moved with her husband children to the Indian Terry and settled near Talala I Tery
(signed) Joanah Barber
Subscribed and sworn to before me this 19 day of Aug.1896.
(signed) J. Barrickman,
Notary Public, My corrission expires
(seal) June 8 1899

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"EXHIBIT B.

Indian Territory,
Northern Judicial District ss.
F. L. Dawson being duly sworn according to law deposes and says:

My name is F. M. Dawson; I am 61 years of age; my post office address is Afton Indian Territory, I am a farmer by occupation and reside in the Cherokee Nation.

I am a recognized Cherokee citizen by blood. I was born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from my grandmother whose maiden name was Polly Rogers through my father Robert Dawson, my grandmother Polly Rogers was a Cherokee Indian and was married to Samuel Dawson my grand father in the old Cherokee Nation in Tennessee. My grand parents Samuel Dawson and his wife Polly came west from the Old Cherokee Country in about 1832 and settled in Western Arkansas and later came on to the Indian Territory and the father of this affiant Robert Dawson and family settled in the Cherokee Nation, Indian Territory, Robert Dawson, the father of the affiant was also a recognized citizen of the present Cherokee Nation by reason of his Cherokee Indian blood.

The said Robert Dawson father of this affiant and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of said Samuel Dawson and his wife Polly Dawson whose maiden name was Polly Rogers The said Elizabeth Petty was the mother Of Joanna Barber who is a full cousin by blood of this affiant in the Indian side. The said Joanna Barber is the mother of Irene J. House nee Barber who is a second cousin of this affiant in the Indian side.

This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians by blood and drew their per capita money all the last payment; said citizens and relatives derived their Indian blood from the same source that the above named Irene J. House, derives her Indian blood and right.

This statement I have made to John H. Koogler, a Notary Public at Muskogee Indian Territory and it has been written down by him at my dictation. Such part of this testimony as refers to matters occuring previous to my recollection I know by means of family history and traditions which facts I have always been taught and told of by my parents and grand parents from childhood up), the facts stated as occuring since my childhood I know of my personal knowledge. Affiant further states that he is not personally interested in the prosecution of the application of said Irene J. House for citizenship in the Cherokee Nation.

(signed) F. M. Dawson."

"Indian Territory,
Northern District.

I John H. Koogler, hereby certify that the annexed and foregoing statement and affidavit was dictated to me by F. M. Dawson and was subscribed and sworn to by him and was written by me from his oral statement at my office in Muskogee Indian Territory this 14 day of August 1896, and I further certify that the said F. M. Dawson is personally known to me and that he is a creditable person and entitled to belief.

(signed) John H. Koogler,
(seal) Notary Public."

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Northern Judicial District,
Indian Territory. EXHIBIT D.

E. Dawson, being duly sworn according to law on oath states: My name is E. Dawson; I am 61 years old; My post office address is Talala, Ind. Ter. I am a farmer by occupation, and reside in Coo-ee-scoo-wee District- Cherokee Nation. I am a recognized Cherokee Indian by blood, and exercise all the rights and immunities of a Cherokee Citizen now living in the present Cherokee Nation. I was born in Carroll County Tenn. near Berryville. I derived my Cherokee Indian blood thro. my Grandmother Polly Rogers through my father, Robert Dawson. My Grandmother Polly Rogers was a Cherokee Indian and was married to my Grandfather Samuel Dawson in the old Cherokee Nation in Tennessee. My Grand Parents, Samuel Dawson and wife Polly Dawson whose maiden name was Polly Rogers got west from the Old Cherokee Country in about the year 1828, and settled in Western Arkansas, and later on came to the Cherokee Nation. My father Robert Dawson was a recognized member of the Cherokee Nation when he died, by reason of his Cherokee Indian blood.

The said Robert Dawson, the father of this affiant, and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of the said Samuel Dawson and Polly Dawson the wife she being the same Polly Rogers as aforesaid. The said Elizabeth Petty was the mother of Joanna Barber who is a full cousin by blood of this affiant on the Indian side, the said Joanna Barber is the mother of Irena J. House, whose maiden name was Irena J. Barber and a second cousin of this affiant on the Cherokee Indian side. This affiant further state that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians of the present Cherokee Nation and exercise all the rights and privileges of such Cherokee citizens, they having drawn their shares of the Strip money at the last per capita payment made by the Cherokee Nation.

Said citizens and relatives derived their Cherokee Indian blood from the same source, as did the above named Irena J. House.

I have made this statement before J. Barrickley, Notary Public at Talala, Ind. Ter, and affiant further states that he has no personal interest in the prosecution of the claim for citizenship in the Cherokee Nation of the said Irena J. House.

That the above facts which are within the personal knowledge of the affiant or within his years of discretion he knows personally, and the other facts which occured before the recollection of affiant he testifies to from what he has been taught from his family history and traditions.

That the relationship existing among all his people in the Cherokee Nation he knows from his personal knowledge and that they are related to the Cherokee Indian side.

(signed) E. Dawson.

Subscribed and sworn to before me this the 19 day of August 1896

(signed) J. Barrickley,
Notary Public, My Commission expires June 3, 1899.
(seal)." Notary Public.

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"Cherokee Nation,
Grove Goowee District. EXHIBIT E.

Before me the undersigned authority this day, personally appeared W. A. Dawson who is to me well and personally acquainted, and after being duly Sworn; deposeth and says, that he is well acquainted with Irena J. House and knows she is a Cherokee Indian, and that he knows she is the daughter of Joana Barber, who is a neice of Robt. & James Dawson, who are both Cherokee Indians and recognized citizens of the Cherokee Nation.

Affiant further states that Irena House is the grand daughter of Mrs. Pet y, who was a full sister of Robt & James Dawson.

Affiant further says that he knows that Irena House is a lineal descendant of Annie Dawson whose ~~children~~ (line drawn through word "children") sons, Robt & James before named are recognized citizens.

Affiant further says he has no interest in this suit.

(signed) W. A. Dawson.

Sworn and subscribed to before me this 17 day of August 1896.

(signed) William Lynch
Notary Public.

(Seal) My term expires Feb 6 1900."

Foregoing indorsed on cover as follows:
"No: 5080 5464 Before the Dawes Commission on Citizenship in the Five Tribes. Irene J. House V.S. The Cherokee Nation. Petition and Proof, Will E. Linton, for Petitioner. Filed Sept 8 1896 A. S. McKennon, Com'r. Denied. Filed Feb 26 1897 Jas A. Winston clerk."

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"Received of M. M. Jacoway, jr., Secretary to the Commission to the Five Civilized Tribes the original papers in the cause of .... vs..... Nation, as follows.....
Witness my hand and official seal at Muskogee this the 26 day of Feb' 1897 J. A. Winston, Clerk."
(Seal)"

Indorsed: "Court No.238 No. 5464 Receipt for original papers in the case of Irena J. House vs. Cherokee Nation, Received and filed this ..... day of..... 189..."

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"Irene J. House et al,
vs. No. 238
Cherokee Nation.

Mr. M. A. Gibson, Special Master to whom this case was referred, submits the following report: (Insert report)

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY.

NORTHERN DISTRICT AT MUSKOGEE.

IRENE J. HOUSE ET AL

VS / 233 REPORT OF SPECIAL MASTER.

THE CHEROKEE NATION.

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I, N. A. Gibson, Special Master herein, show to the Court that under the general order herein, I have examined the proof and pleadings on file in this case which are a part of this report, and that I find as follows:-

I

That this case is in reality a branch of Case No. 96, Joan A Barber vs Cherokee Nation, the principal claimant herein being Irene J. House a daughter of Joanna Barber.

That this cause was instituted on September 7, 1896 at which time application was made to the Commission to the Five Civilized Tribes for citizenship by blood in the Cherokee Nation.

That this case was tried by the said Commission on November 24, 1896 and the applicants denied, no reasons being given for the decision, and that on January 30, 1897, the parties appealed from said decision to this Court.

That this application was made by Irene J. House, her husband, W. J. House, and their children Chas., C. Winston T., and Henry W. House. That they file in support of their application the affidavits of Joanna Barber, [illegible] Dawson, Arthur A. Baker, E. Dawson, and W. A. Dawson. That these Dawson witnesses are citizens by blood of the Cherokee Nation, and state that they are related by blood to the claimants herein on the Cherokee side. The claimants base their contention of a right to Cherokee citizenship upon the fact that the claimant Irene J. House is the daughter of Joanna Barber, who is the daughter of Elizabeth Penny, who was the daughter of

Polly Rogers, and that Polly Rogers was the daughter of Captain John Rogers and Ailsey Vann, who were recognized Cherokee citizens by blood. That the testimony shows that this Dawson family are recognized citizens of the Cherokee Nation, and that the claimants herein are cousins by blood upon the Indian side, and that they all claim through a common ancestor, Polly Rogers and Captain John Rogers and Ailsey Vann, who were all recognized Cherokee Indians.

II

The appellee introduces in defense the record of the application of these claimants to the Cherokee Commission on Citizenship in the year 1887, and the record of the rejection of the claimants, and further the affidavits of W. A. Rogers, and Mrs. Sarah Carter, a granddaughter both of whom state that they never heard of any daughter of Captain John Rogers by the name of Polly Rogers, and that he had only one daughter, whose name was Cynthia.

III

The Claimants contend that they are residents of the Cherokee Nation and are relatives of the Dawsons, who are

recognized citizen of the Cherokee Nation by blood, are entitled to be enrolled as citizens by blood of the Cherokee Nation as citizens by blood. It is also the finding of the Commissioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal west. That his name should appear on the rolls of the Nation, and that neither he nor his ancestors ever resided in the Cherokee Nation as citizens by blood.

IV

And as conclusions of law considered, I find that the claimants are entitled to enrollment as descendants of Captain John Rogers, and that it was contemplated by the Act in the condition of affairs at that time in the Cherokee Nation, especially owing to the [illegible] Cherokee law and of records pertaining to marriage, [illegible] affiants should be the descendants of Captain [illegible] daughter, Polly Rogers, of whom the affiants [illegible] may never have heard.

[illegible] of the applicants are residents of the Cherokee [illegible] or they have resided since 1907, [illegible] Cherokee blood.

[illegible] of the general law [illegible] for my [illegible] Special Master.

[illegible] this 1st day of Nov. 1907.

(Signed) H. A. Gibson,
Special Master.

My fee $[illegible]
No Exceptions filed.

Foregoing papers indorsed on cover as follows: "230, Irene J. House et al V Cherokee Nation. Final Report of Special Master, Filed Nov 16 1907 Jas A. Hinston, Clerk."

Foregoing papers enclosed in packet indorsed as follows: "230, Irene J. House, et al vs. Cherokee Nation."

BY MR. HUTCHINGS:

Well we close for the present.

TESTIMONY INTRODUCED ON BEHALF OF THE APPLICANTS:

D. W. C. DUNCAN, being first duly sworn, and being examined, testified as follows:

BY MR. McKENNON.

Q Please state your name, age and residence? A My name is D. W. C. Duncan, my age is 72 years, my residence, Vinita, Indian Territory.
Q Are you a duly recognized citizen of the Cherokee Nation by blood? A I am.
Q You gave testimony in this case once before did you not, before the Dawes Commission? A I did.
Q Before this Commission I will say, this Commission? A The Dawes Commission? A Why I don't recollect who the Commissioner was, that was taken at Vinita, ex parte.
Q Were you in any way connected with the Cherokee citizenship Commission[illegible] known as the "Tahlequah Commission"? A I was Clerk of that Commission.

Q For what length of time? A I don't recollect the exact length of time, I would say it was about thirty days, during the continuance of that Commission, existance of that Commission.
Q You were the only clerk it had during its existance were you?
A I think I was.
Q You were Clerk of that Commission when it rendered a decision in favor of Robert Dawson et als, as found on page 114, of its record, numbered 108 (witness examines record referred to.) now in the possession of this Commission? A I was.
Q The members of that Commission were the same as shown by the signatures to this judgment were they? A The same, yes, sir.
Q That was, Pro Ident of the Commission, Alex Wolfe and T. M. [illegible] is correct, is it? A That's correct.
Q [illegible] this case was under consideration by that Commission and when it rendered this judgment in the case? A I was.
Q Were you at that time acquainted with F. M. Dawson, counsel only [illegible] Campbell Taylor and Samuel H Benge, who were [illegible] Cherokee attorneys at that time? A I might [illegible] I knew Mr. Dawson; and I knew of him was I saw him [illegible] a party to the suit. I knew Mr. Taylor and Mr. Benge [illegible] intimately, I have known them a number of years.
Q They were recognized Cherokee citizens were they? A They were.
Q Was Taylor not known generally as a Citizen Ship Attorney?
A I think he was.
Q Do you remember seeing him and Benge present at the time this case was under consideration by the Court? A Why I do not recollect seeing Mr. Benge, I cannot recollect, but I can recollect of seeing Mr. Taylor about the Court room now and then.
Q Do you know who submitted the case to the Court for the applicants? A Let me understand the meaning of that; who brought the case?
Q Who called up the case? A No, I don't recollect.
Q Do you remember whether that Commission rendered any other decision than that found upon this record in that case? A I never had any knowledge only out one decision.
Q Was that in favore of or against the applicants? A It was in favor of them; I will say this: that if there was another decision other than the one that appears on the docket now before you, I have no recollection of it.
Q The only decision you have any knowledge of was recorded by you in this book as here shown was it not? A That is the only one that I have any knowledge of.
Q Did Ben Dawson pay you any money in connection with that case?
A He did not.
Q Did he ever promise to pay you any money for your influence with the Court in that case? A Never.
Q Did he paid you any money, either directly or through any other person? A For my influence in that case?
Q Yes, sir? A Never.
Q Did you have any knowledge of his having paid to the Court or to any member of the Court any money for the purpose of influencing their judgment in that case? A None whatever.
Q Did you have opportunity of observing his conduct during that Court of the time? A The only opportunity that I had was during the sessions of the commission: I saw but very little of him during the sessions of the Commission, now and then I would see him in passing.
Q Have you seen anything in his conduct toward that Court which indicated that he had used undue influence in procuring that judg-

[illegible]. A I never observed anything [illegible] nothing that created a suspicion in my mind that he was [illegible] in that kind of [illegible].

Q Did Campbell Taylor at any time after the completion of that [illegible] pay to you any money as coming through him from Bud D[illegible] on account of your services which you had rendered to him in that case?

A Yes, he paid me some.

Q What amount? A My recollection is that I think it was a two or three dollar bill. I don't know but I had better go and state the transaction, all about it.

Q Yes, sir. A Mr. Lawson, Bud Dawson, during the trial of the case occasionally applied to me to get him [illegible] writing paper, issue of a subpoena or transcript, something of that kind. I always treated him with courtesy and proper official consideration. He seemed to appreciate it, and why never I did [illegible] of that kind to me, says he, I have no money, Mr. Duncan, but I feel [illegible] I owe you. I will tell you what I think I will do with it. [illegible] kind, and I presume I could [illegible] for my [illegible] that work which I was [illegible] doing [illegible] another before the jury.

[illegible] his usual [illegible] to the [illegible] Hotel [illegible] corner that I went to my hotel, [illegible] Brick Hotel [illegible] public room to [illegible] upon my bed to rest. I recollect Mr. [illegible] room, drew a chair up to the bedside [illegible] giving [illegible] his gratification at the result of his case, dwelling largely upon the testimony in the case [illegible] satisfactorily, establishing his Cherokee blood, and that he thought that he was entitled and that he had received justice by the Court, I listened to him, and we talked there I guess [illegible] hour or fifteen minutes; after a little he says, I must go to [illegible] I think he says to-morrow, I must go home,- he then lived [illegible] Anderson somewhere. Says he, Mr. Duncan, I believe I owe you something, ought to pay you something. Alluding, as I [illegible] to the little courtesies that I extended to him at my [illegible] says I, I make no charges, Mr. Dawson, for services; if I [illegible] for any good you are welcome. Well, says he, I feel [illegible] to you, I ought to pay you. I says, that makes no difference; I will leave that to you. Says he, I have hardly enough money to get back home. He shook my hand, and the last word he says to me, you shan't lose anything for your kindness to me. I thought he had reference to my services at the desk. That was the last I saw of Mr. Dawson, & it must have been a year afterwards; I had located a little claim on the public domain up there in Delaware District, staked off what I intended to be a farm, merely stakes, I didn't make any other improvements, over there on Horse Creek. Went over in that part of the country to look after my claim, and I ran across Mr. Dawson, he had come into the Country and located and built him a little shanty and was living in it; I called upon him, he was very glad to see me; I asked him what he was doing there; he said he had moved into the country, and I told him, says I, you are encroaching upon me here; he had spread his claim over part of mine, mine had been made so long it was outlawed under Cherokee Law. Well, says Mr. Dawson, I don't feel like doing you any wrong. I will pay you for your claim, and we will settle the matter in this way, that he as soon as he got his little matters together that he would satisfy me for it. Well we parted at that point. It ran on then for a long time, I don't know how long,- I think I met him in Vinita, and says he, did Camp Taylor pay you any money [illegible] to your [illegible], No I have not seen Camp Taylor.

Well, says he, I gave him some money and told him to hand it to you for me, and, says he, you ask him and he will hand it over to you I guess. Well we parted then. Well, went on for some time, some months; I happened to meet Mr. Taylor in Tahlequah; I met him on the street I think, jocularly I slapped my hand on his shoulder, says I, look here, did Mr. Dawson any money to me by you? He says, yes, and he pulled out what I recollect to be a twenty dollar bill, and handed it to me; I received it, and I received it with the idea that he was compensating me for taking my claim, or possibly for doing him those little services in the Court. Now that is the sum and substance of the whole thing.
Q Was not that twenty-five dollars, Mr. Duncan? A It might possibly have been, my recollection does not serve me exactly, it might have been 25 dollars.
Q Did Campbell Taylor pay you any other money as coming from Bud Dawson? A Never a cent.
Q Did he at one time pay you fifty dollars out of a hundred dollars which he had received from Mr. Dawson? A Never.
Q Did he on a second occasion pay you fifty dollars out of one hundred dollars which he claimed to have received from Mr. Dawson? A None at all.
Q He paid you no other money than that you have already stated, from Mr. Dawson? A Not a cent.

BY MR. McKENNON: We offer in evidence the judgment of the Cherokee Citizenship Commission before referred to, and ask that it be filed in evidence in the case of every application made by members of the Robert Dawson family who claim under it, or through Robert Dawson, as citizens of the Cherokee Nation, said judgment being found on page 114, Records of the Tehee Court, 1880 to 1884, case number 108, judgment dated January 11th, 1883, signed by Thomas Tehee, President, Alex Wolfe, T. F. Thompson, Commissioners. D. W. C. Duncan, Clerk Commission.

The said judgment just introduced is as follows:

"Office Commission on Citizenship,
Tahlequah, C. N., September 24th, 1881.
No. 108
Robt Dawson,
Elbert Dawson,
Jasper Dawson,
John Dawson,
Josephine Dawson,
Joseph Dawson, Petition for Citizenship
Jane Dawson,
Molly Dawson,
Wilbron Dawson,
James Dawson,
Rial Dawson,
vs.
Cherokee Nation.

Continued by the Plaintiff, Oct. 5, 1881.

January 13th, 1882.
The above case continued by the Cherokee Nation till Sept.

term. Agreed by the parties that the above shall not be taken up for final disposition before the 4th day of Oct. 1882, October 4th, 1923

It is agreed by the parties that this shall be finally disposed of at the next January term if the claimant is present demanding the same, if not, the case shall be continued to the September term, 1923.

On this agreement Commission continued the case till the next January term to-wit, January 1923.

And now this the 11th day of January A.D. 1923 this case coming on for final hearing, and all the evidence produced in the case being carefully read and duly considered by the Commission it was adjudged and determined by the Commission on Citizenship that the claimants, Robert Dawson, F. H. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Jo[illegible]e Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilbron Dawson, James Dawson, and Rial Dawson, are Cherokees by blood; and that they are entitled to all the rights and privileges of Cherokee Citizenship within the Cherokee Nation, and that they should be, and they are, hereby admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

(signed) Thos. Tehee,
President of Com.

D. W. C. Duncan,
Clerk of Commission.

Alex Wolfe,) Commission,
T. F. Thompson,) Cors.

Transcribed from Min. Bo Claims, Jan. 11th, 1923,
(signed) D. W. C. Duncan, Cl'k."

Journal Book. "Case submitted to Claims Jan. 11th 1923. Case submitted by Solicitor January 11th, 1923."

Q Do you remember how many members of the Court were present when this judgment was rendered, or were all of them? A My recollection upon that point is not positive, but [illegible] to be the practice of the Court at the time, seeing the names of all these Commissioners there, I can say with a great deal of positiveness that they were all present, because I never signed the name of one of the Commissioners unless he was present, consenting to it or directing it.

Q The rendition of that judgment then was concurred in by all of the three judges? A It was.

Q Mr. Duncan, if there had been a decision rendered the day before in this case while the Court was in session, adverse to these Claimants, would you have known it? A I certainly should have known it.

Q Was there any such decision of the Court? A None to my knowledge. I can say positively there was not.

Q How many of those judges are now living? A Only one.

Q Which? A Mr. Thompson.

Q Tehee and Wolfe are dead? A Tehee and Wolfe are dead.

Q How long have they been dead, do you know? A I do not know, quite a number of years. I wasn't living there, never lived near them when their death occured, and therefore [illegible] some time before I got knowledge of it. It is generally understood that they are dead.

Q Do you remember to have seen any other member of the Dawson family about the Court at that time than Bud Dawson? A I have been thinking, and I can't call to mind that I ever saw any other Dawson except Bud, until after this move into the new office subsequent to the rendition of the judgment.

(At this point a party who has been sitting in the room in which the examination is being held, is called forward, sworn on behalf of applicants, and asked to retire until called.)

BY MR. HUTCHINGS:

Q Mr. Duncan, when did you become clerk of the Yukon Commission Court? A It must have been sometime in December, 1884, at the time the Commission was organized immediately at the close of the Council in which they were appointed.

Q December 1884? A I think so.

Q What are you doing rendering judgments here in your handwriting in 1883? A The Commission held its Court after they were elected sometime.

Q The Court was elected in 1881 wasn't it? A Well, I don't know the time. I don't pretend to say when the Court was elected, I might have said at the time I was chosen clerk. I was chosen clerk just at the close of the session of the National Council of that year.

Q '84? A I think it was '84.

Q You entered up this judgment rendered January, 1883? A Yes, that was the session of the Commission.

Q That was before you were clerk of it? A Well I held the clerkship for some time you know continuously.

Q Well but when you come to say that you were clerk when the Dawson case was passed on? A No, I don't mean to say that.

Q How could you be clerk when the Dawson case was passed on in 1883 when you were not elected until 1884? A I am mistaken in that, '84 comes after '83,- it was the year preceding 1883, it must have been '82.

Q Your first entry in the Dawson case is January 13, 1883, isn't it?

Q I don't recollect what my first entry was. (Attorneys show the record to witness) Yes, that is the entry there on that day.

Q And that was shortly after you became clerk wasn't it? A Yes, shortly after I became clerk.

Q The case had been entered when the Court before you became clerk? A I think so, yes; It was entered at the previous term of the session of the Commission.

Q In whose handwriting was the names of the three Commissioners signed to that judgment, A Dawson Judgment?

(Attorney shows record to witness again) A That is my handwriting.

Q All three names? A All three names.

Q The record there shows that you immediately gave them that day a transcript of the judgment, do you know who signed that? A Signed the transcript?

Q Yes, sir. A I do not recollect now, this in, did the writing?

Q Signed the names to it? A Yes, that's it.

Q You always signed the names of Yukon Commissioners didn't you? A I think I did pretty generally; I don't know of their attempting to write their own names.

Q When Mr. Dawson was there didn't he sign his own name? A Sometimes he did, supposing he simply authorized me to do it.

Q Have you any recollection of him authorizing you to do it except from the fact that you have done it on that record frequently? A I don't recall the words of his literal text of authorization, but I can say positively that, consulting the record, that he authorized me to put his name there.

Q Will you look at the original document hereby shown you and refer to in the judgment and say who signed the names of the Commissioners there? A (Papers shown to witness) A I signed them there.

Q You recognize that as your handwriting? A I do.

Q What made you when you were testifying at Vinita before Mr. Martin, on looking at the same signatures, and being cross-examined by me, say that it was not your signature and that the signature thereto attached was the signature of Mr. Thompson? A Occurred in this way: I had not seen any of the records in the case for about nineteen years. The exact transaction in the court had vanished about entirely from my memory; I recollected at that time, however, when I gave in my testimony before the Commissioner, Martin, that that was a practice of the Court at the time I served by which I signed the names of the full-blood members of the Commission, and Mr. Thompson either uniformly or occasionally signed his own name. I based my statement in that deposition upon my knowledge of the rule or practice in the Court, without comparing the ledger and refreshing my memory. I made an incorrect statement when I said that that was not my handwriting; I am convinced now that it is my handwriting. That is the way it occurred, the way it happened.

Q Then you consider your recollection of the fact that Thompson was present and rendering a judgment signed it himself, now is that your own knowledge of your own handwriting? A No, I didn't so regard it. I simply spoke without advisement when I gave in that testimony; I subsequently became better informed and concluded that that was my handwriting and not entered by Mr. Thompson under the rule, but was one of those cases in which he authorized me to do it myself, and I did it.

Q Then you have changed your testimony, because you think you have a better knowledge of the surrounding facts now than you had then, and not from the fact of your judgment on your handwriting at present? A I simply corrected my testimony in reference to my statement in regard to this handwriting, this case.

Q And you couldn't know then as I understand you whether or not that is your handwriting if it was not refreshed by what you consider to be exterior facts? A I should know it by examining it and thinking over the circumstances, I think I should recognize my own handwriting, but if the question should be propounded instantaneously without any advisement or preconsideration I might make a mistake.

Q You did recognize the names of Thomas Tehee and Alexander Wolfe as being in your handwriting at that time? A I was very clear and positive, and so stated, that the names of those Commissioners were in my handwriting, and I was made certain by reflecting on the rule that they never signed their names with their own hand, but always authorized me to do it. Hence there is no question in my mind in regard to my handwriting in their signatures.

Q And then the third name, right under it, as compared with your admitted handwriting, you had to wait and learn the facts afterwards to determine whether that was your signature or not? A No, I don't think that if I had considered the circumstances, I know that there was a resemblance; what made me of the opinion that that might have been Mr. Thompson's signature was like this: I knew that he had been in the habit of at least sometimes signing his own name, and I was under the impression—and I do not now think I am much deceived— that his chirography bore at least some resemblance to my own, hence I doubted whether I had signed that name or not on that account.

Q You [illegible] that it was [illegible] fact that it [illegible]. The record is in your writing and not yours, didn't he? A Mr. [illegible] that that was my shorthand writing set my mind to work to [illegible] whether I was not dictating or not, and after [illegible] I could tell that I was.

Q And he stated, and you too didn't you, that he always signed the original himself when he was present? A I do not recollect that I stated, that I used the word "always", at that time, but at the time I was examined when the deposition was taken by Mr. Dennis that he did, but now I come to reflect and examine the docket I am convinced that I was wrong, that occasionally I [illegible] for him.

Q Then you never found out that your testimony then, on this like a year and a half ago was wrong until you examined the docket day before yesterday, and compared your memory with Thompson's statement? A I don't know that I have thought of it since that time until yesterday or day before the examining the docket.

Q So the only recollection that you have got and the only aid to your recollection that Thompson was present when that judgment was rendered was the fact that you and he and [illegible] signed it, is that your writing, is it? A As a fact,-

Q You can answer that yes or no? A That seeing the [illegible] aids my recollection and I recollect now that the commissioners were all present at the time that I signed it. I didn't [illegible] their names out of court at all.

Q Was it in the forenoon now or in the afternoon ? A I don't recollect whether it was in the forenoon or afternoon.

Q In recollecting that they were all present when the record was signed, do you mean to say that they were all present when the judgment was rendered? A Yes, that is, you mean when the question of admission or rejection was voted upon?

A Yes. A They were present.

Q Did you take up the record at the time that they rendered the judgment, or make a memorandum of it, and then write up the judgment some days afterward? A The record was not written up immediately upon the decision of any case, but I wrote up the record after adjournment, generally in the evening, and presented it next day or when the next session was had, for signature; that was the practice.

Q But in this Dawson case you wrote it on the very day that it was rendered didn't you? A I didn't recollect as to that.

Q And gave them a transcript the very day it was rendered? A I don't recollect as to that.

Q And indicated the giving of the transcript on the bottom of the judgment the day it was rendered? A I should say it was given at the date of the transcript.

Q That was a very unusual thing for you to do in entering up judgments? A To do what?

Q To noteon the bottom that you had given a transcript the same day the judgment was rendered? A No, I don't know that there is anything unusual about that.

Q Any other places in that record or more than one in any event that you have ever done that? A I don't recollect, and I don't recollect of giving anybody else a transcript.

Q That is what I am getting at: you gave them a transcript and wrote up your judgment and everything right away? A Pretty promptly after the decision; whether it was the same day or the evening, and signed next day, I don't recollect.

POOR ORIGINAL -
BEST AVAILABLE COPY

IT NOW BEING THE HOUR OF NOON, 12 M., THE COMMISSION ADJOURNS UNTIL HALF PAST ONE P. M.

AFTERNOON, TIME-1:45, P. M.,--APPEARANCES,-same as in forenoon: D. W. C. DUNCAN again on the stand.
BY MR. HUTCHINGS:

Q Do you remember what witnesses were before the Court? A I don't recollect now distinctly except Dr Baker, I was struck particularly because of the length of his testimony at the time it took to take it.
Q The Doctor was about the only distinct witness there was? A He is the only one now that I can call to mind.
Q There was probably another old doctor that testified was not there? A I have no recollection to that effect.
Q The case was just decided really on Doctor Baker's testimony, he is about the only man that knew anything about the case? A I am not certain that Dr. Baker was the only witness; might have been others that has now escaped my recollection.
Q Doctor Baker's testimony was taken down in writing? A Yes.
Q There was not anybodys else taken down in writing was there? A All the testimony that was accepted in the case was taken down in writing.
Q Did you ever see anybody's else testimony in writing except Dr. Baker in that case? A That is not as I recollect, I can't recollect any other but Dr. Baker's.
Q You know whether that was taken immediately before the trial or at the trial or how was it? A It was taken in the presence of the three Commissioners during the session of the Court.
Q You mean the day that the case was decided or how? A I do not recollect whether the case was on trial more than one day, but my impression is that it was.
Q Do you know whether it was the same term of the Court or not? A I think it was the same term of the Court.
Q How many terms a year did that Court have, when and how did they last? A I don't recollect of but serving but one term.
Q Don't recollect the serving but one term? A Myself, it seems to me so.
Q You didn't go in until January of 1883 did you; your first record is a record of about the 18th of January 1883, as shown by the book, isn't it? A I don't recollect in that regard.
Q Now would they hear testimony in the case, then continue it, or how would they generally do about that? A I think they decided on the case at the term in which they took testimony.
Q Can you say whether or not this testimony was taken in this case at the time it was decided or at the same time it was decided, or within a week or two of the time it was decided? A My best recollection is that it was taken at the term in which it was decided; case was taken up, testimony heard that the decision was made at the conclusion of the testimony.
Q Well now, I see on October 4th, 1882, on your handwriting, the following entry reads: "It is agreed by the parties that this shall finally be disposed of at the next January Term," That would be January, 1883, "If the decision is given for Mrs. Duncan; if not, the case shall be continued to the next term, 1883; if this Agreement the Court upon continues the case till the next January term, 1884." By that I should take it you had a

January and a September term; and this decision was rendered at the January, 1883 term. Was Baker's testimony taken during the January, 1883, term, at the time this decision was rendered? A I find it impossible for me to recollect those facts that are recorded there; although I can say about that, that the record shows the correct statement of the facts; but I can't recall those facts.
Q Well there is a record here that this case was continued on the 13th day of January, 1883, upon agreement that it should be taken from the 4th day of October, 1882; your record shows that there was nothing done in the case from January 13th, 1883 until October 4th, 1882; would you say that was correct? A I should say it was correct if it so stands on the book; it is designed to be a correct entry of the facts.
Q I will let you see the book for yourself; I don't want to misrepresent your and on it at all. (Shows entry in book to witness.)
A I can't recall those facts in regard to the agreement.
Q Who took down the testimony of the witnesses in court? A I took it down.
Q You took down the testimony of Dr. Baker? A Yes.
Q He was cross examined by counsel for the Nation? A As to that I don't recollect. He was present, he was always present; I think likely he was cross examined.
Q And that testimony was taken at or near the time when the judgment was rendered in January, 1883? A I think it was, my impression is to that effect.
Q Well the court seems to have had no session as to this case from January 13, 1883 up to October 4th, 1883, according to the record? A (No response.)
Q You don't recall taking down anybody's else testimony in the case? A No sir, I don't.
Q And the probability is that he was the only witness examined isn't he? A It might have been so. My recollection is that he was regarded as the main witness of the case.
Q He was quite an old man, about 77 at that time? A Yes, he was quite old.

BY MR. McKENNON:

Q The testimony of Dr. Arthur Baker, from this record, appears to have been taken January 10th, 1883; is that correct as far as you may know, or are able to state? A Is that Dr. Baker's testimony? (Attorney here shows witness papers) A It appears to be, yes; I don't think that was the testimony that the case was decided upon, because his testimony was taken orally before the Commission, and I wrote it down; please let me see it. (Attorney hands said papers to witness.)
A Well, all I know about this is as I stated before, I can't recall those facts, but whatever the record says why I say that the record was made correct, according to the fact. (Witness takes copy of the testimony referred to to refresh his memory.) I don't understand in reading this very clearly to my own understanding, but I gather from the subject matter in that testimony that it is in accord with Doctor Baker's statement; in exactly word for word I am not able to say, but that is the tenor of the testimony.

BY MR. HUTCHINGS:

Q In taking the testimony you endeavored to get down all the material facts that you could in taking it in long hand? A Yes, very nearly word for word, as I could take it, so did as there was a little variation made necessary by the length of the witness' statement.

BY MR. McKENNON: Applicants object to all of the witness' testimony relating to the method of taking the testimony of witnesses at the trial, the character and effect of that testimony, and the number of witnesses, except so far as the same may be used for the purpose of testing the memory of the witness, because the same is incompetent, irrelevant and immaterial.

B. F. FORTNER, being first duly sworn, and being examined testified as follows:

BY MR. McKENNON:

Q What is your name? A B. F. Fortner.
Q What is your age? A 54.
Q You are a physician are you not? A I am.
Q Where do you reside? A Vinita, Indian Territory.
Q Do you hold any official position in your position? A Yes, I am President of the National Board of Health, Cherokee National Board of Health, and member of the Legislative Council of the Indian Territory and of the American Medical Association,-those are some, and the most important positions I hold at this time.
Q Are you a Cherokee citizen? A I am.
Q By blood or intermarriage? A Intermarriage.
Q Your wife is a citizen? A Yes, sir.
Q Do you know D. W. C. Duncan? A I do.
Q How long have you known him? A About twelve or fifteen years, about twelve years I should say.
Q Do you know his general reputation in the community where he resides for honesty and uprightness of character? A I do, I think.
Q Is that good or bad? A It is good.
Q Do you know Campbell Taylor? A I do.
Q How long have you known him? A About six or eight years, don't know exactly how long; known of him for ten years and personally I have known him about say six or eight years.
Q Do you know his general reputation for truth and veracity? A I do.
Q Is that good or bad? A It is bad.

BY MR. HASTINGS:

Q Mr. Duncan belongs to the same church you belong to? A Yes, sir.
Q And has for a number of years? A Well now I say I think he does; I have always so understood.
Q Don't keep up with all your members? A No, but he has attended church there and my impression has been that he is a member of the church.
Q You didn't have any business before the Citizenship Court of which he was clerk, did you? A No, sir, not that I know of.
Q You was not at Tahlequah while he was clerk of a Court from 1892 to '3? A I don't believe I was.
Q Never had any business before that Court? A Had no business before them, not while he was Clerk to my knowledge.

BY MR. McKENNON:

Q You spoke of his membership in the church; he is in good standing as a member of the church is he? A Yes, sir.
Q I will ask you if Campbell Taylor's reputation isn't notoriously bad? A Yes, I have so understood it.

BY MR. HASTINGS:

Q I will ask you if it was notoriously bad in 1893, when these people employed him to represent them before the Court? A That was before my knowledge of him.

Q But so far as you know his bad reputation dates back so far as you know him? A So far as I know him.

G. W. MILLER, being duly sworn and being examined, testified as follows:
BY MR. McKENNON:
Q What is your name? A G. W. Miller.
Q What is your age, Mr. Miller? A 61.
Q Where do you reside? A Vinita.
Q How long have you lived there? A Well I have lived there altogether about 13 years I guess, or 14.
Q Are you a citizen of the Cherokee Nation? A No, sir.
Q What is your business? A Real estate and insurance agent.
Q Do you know D. W. C. Duncan? A Yes, sir.
Q How long have you known him? A I have known him twenty years.
Q Do you know his general reputation for honesty and uprightness of character where he lives? A Why yes sir.
Q Is that good or bad? A It is good, so far as I know.
Q Do you know Campbell Taylor? A Yes, sir.
Q How long have you known him? A Well I have known him 18 or 20 Years, I guess.
Q Do you know his general reputation for truth and honesty? A Well yes.
Q Is that good or bad? A Well, it is bad, I think.

ATTORNEYS FOR CHEROKEE NATION waive cross examination.

W. H. CURTIS, being first duly sworn and being examined testified as follows:
BY MR. McKENNON:
Q What is your name? A W. H. Curtis.
Q How old are you, Mr. Curtis? A 56.
Q Where do you reside? A Afton, Indian Territory.
Q How long have you lived in the Indian Territory? A 20 years.
Q What is your business? A Lumber business.
Q Do you know D. W. C. Duncan? A I do.
Q How long have you known him? A About 20 years.
Q You know his general reputation for honesty and uprightness of character in the community where he lives? A I do.
Q Is that good or bad? A As good as any man's.
Q Do you know Campbell Taylor? A I do.
Q How long have you known him? A Some 20 years, I suppose.
Q Do you know his general reputation for truth and integrity and honesty? A Yes sir.
Q Is that good or bad? A Bad.
Q Is it notoriously bad? A Yes.
Q Did you ever known Dr. Baker, Dr. A. B. Baker, of Berryville, Arkansas? A Yes sir, I knew him in '68 and '69.
Q Where? A Over at Berryville; I ran a saw mill in that country at Berryville.
Q Did you know his general reputation so far as honesty and uprightness of character and truthfulness? A Yes sir.
Q Is that good or bad? A Good sir. Good as any man's; he is a good Christian gentleman.
Q Did you know him well enough to know his habits of life? A Yes sir.
Q Was he in the habit of taking liquor, drinking liquor? A Not that I know, of sir, I never saw him take a drink in my life.

Q Was his character such as to preclude any such charge against him? A It was, yes sir.

BY MR. HUTCHINGS:

Q How long did you know Dr. Baker? A Two years.

Q What does he do there? A He was an old gentleman then, he lived right in the edge of Berryville, Dr. Baker.

Q How old do you think he was then? A I think he must have been 65 or 70 years old; an old gentleman.

Q That was in '68 what, 69? A No sir, it was in '68 and '69, the two years that I lived over there.

Q He had retired from business? A Yes, sir.

Q Did he have any family? A Yes, sir.

Q What family did he have? A I don't know how much family he had, I was well acquainted with the old gentleman.

Q He wasn't doing any business with anybody? A No sir.

Q And his character was never called in question one way or the other was it? A No sir, no sir.

Q Campbell Taylor was a notorious rascal pretty much ever since you ever knew him wasn't he? A Yes sir, I never knew much good of him.

Q And whenever a man got a bad citizenship case he got Campbell to work it, because he was notoriously a rascal; that's it aint it? A Well a great many of them got him.

Q It was a notorious thing that they had a bad case they would get him, it would sort of give a case a bad odor to have Campbell around it? A Yes, that would be right.

Q You never knew anything about Mr. Duncan's connection with citizenship matters? A No sir, never did.

Q You never heard about his changing some of the records of citizenship cases? A No sir, never did.

Q You have heard lots of talk about this Dayton case? A Yes sir.

Q Rumor had it all around that somebody was doing something wrong? A Yes sir.

Q You never accused him of it you think? A I never heard him accused of it, no sir.

Q That rumor got out from the first day they were admitted right up to the present? A Well I don't know not from the first day, I have heard it for a good while though.

Q But you never knew who they fixed it on? A No sir.

Q They have been a pretty strong family up there in that country haven't they, pretty large family? A Yes sir.

Q Cast a good many votes up there? A Yes sir.

Q Did you ever know of the Boston's testifying any in court, Dr. Baker? A No sir, I never did.

Q What would you think of a man who would testify that he knew a girl that was single in 1882 when her youngest of her seven children was born in 1882; what would you think, would you think that was a statement to be made by a man who was truthful? A -

BY MR. [illegible]: I object to the question because it is wholly immaterial, and not based upon any proof or admitted facts in the case, and it is wholly immaterial and incompetent.

Do you think that was a statement that would be made by a truthful man? A [illegible]

Q You knew him in '68? A Yes sir.

Q He was quite an old, decrepit man? A Yes sir, quite old, '68 and '69.

Q 14 years from that time he was liable to be in his dotage?
A I don't know, he was an old man when I knew him.
Q He was too old to work, and retired from business then? A Well he did work a good deal, but wasnt doing any business particular that I know of.
Q He would have been pretty old 14 years from that time? A Yes, he would be getting old.

D. H. HARRS, being first duly sworn and being examined, testified as follows:
BY MR. McKENNON:
Q What is your name? A D. H. Harris.
Q What is your age, Mr. Harris? A I am 44.
Q What is your business? A I am publishing a newspaper.
Q What paper? A "The Indian Chieftan."
Q Are you Editor of that paper? A Yes sir.
Q You live at Vinita, then? A Yes sir.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A Intermarriage.
Q Do you know D. W. C. Duncan? A I do.
Q How long have you known him? A 18 or 19 years.
Q Do you know his general reputation in the community where he lives for honesty, and uprightness of character? A Yes sir.
Q Good or bad? A Good.
Q Do you know Campbell Taylor? A Yes sir.
Q How long have you known him? A Why 15 years or longer.
Q Do you know his general reputation for truth and honesty in the community? A His general reputation, yes sir.
Q Is it good or bad? A Well it is not good.
Q Is it bad? A Well I suppose it must be bad then.
BY MR. HUTCHINS:
Q How long has Campbell's reputation been bad, Mr. Harris, quite a good while, hasn't it? A Why I think so, yes sir.
Q And it kind of began mostly with this citizenship business? A Yes, so far as I know it did, yes sir.
Q Campbell got so many bad citizenship cases and through the mails, and they finally had him up about it, had a good deal of stir about it? A Yes sir.
Q And some of that stir was sort of occasioned by his helping the Dawsons in wasn't it? A I don't know, I don't know whether he helped the Dawsons.
Q Was not that one of the principal cases that brought him into notoriety? A I don't know whether he had that case or not. I know he had a great many cases.
Q That was the principal thing that convinced the Kind Campbell out, was citizenship cases here? A I think that is what got him into the most trouble.
Q I say before that time nobody had talked much about Campbell one way or another, and it became pretty general that Campbell was handling shoddy citizenship cases, and he got a bad reputation from that? A Yes sir, I think that was the impression generally.
Q How Mr. Duncan's connection with the Dawson case sort of been kept back, people never talked much about it? A I never heard anything about it, as I know of.
Q You have heard that there has been something, now, about the Dawson case, that has been a notorious thing? A Oh it has been a notorious case, yes sir.
Q Well the fact of Mr. Duncan's reputation for truthfulness has been somewhat given by himself, he confessed it frequently? A How is that?

Q His reputation for straightness is somewhat given by himself; he takes occasion to confirm that very often himself; doesn't he?
A I don't know whether I am qualified to answer that.
Q Speaking of his own honesty, he does that very frequently?
A No sir, not that I know of.
Q Doesn't he write a good deal about that sort of thing? A About his reputation?
Q Why in speaking of his own integrity? A I don't remember that he does.
Q You were not about the citizenship courts along in 1.81 '2 and '3 were you? A No sir.
Q Don't remember about the talk that was going on around the Capitol over there about the citizenship cases? A Why no, don't remember anything special as I know of. I remember the citizenship court going on at different times.
Q How far were you living from Tahlequah in '83? A Well, I lived close to Vinita, I guess it is sixty miles probably.
Q Have you lived any nearer Tahlequah since that time? A No sir, never have.

H. L. BUTLER, being first duly sworn and being examined testified as follows:
BY MR. McKENNON:
Q What is your name? A H. L. Butler.
Q You are a minister of the Gospel? A Yes sir.
Q M. E. Church, South? A Yes sir.
Q How long have you been in the ministry? A I have been in the ministry 22 years, sir.
Q Did you ever live at Vinita? A Yes sir.
Q How long? A I was there four years, sir.
Q Do you know D. C. Duncan? A I do.
Q How long have you known him? A I have known Mr. Duncan all my years.
Q Do you know his general reputation for honesty and truthfulness of character? A I do.
Q Is that good or bad? A Good, so far as I know.
Q You have had opportunity of knowing? A Yes sir.
BY MR. HUTCHINGS:
Q Mr. Duncan was a member of your church? A Yes sir.
Q That is the principal way you had of coming in contact with him? A Yes sir, he was a member of my official board.
Q His connection with citizenship cases that were decided by the court of which he was clerk has never been brought up in your presence anywhere? A No sir.
Q Or never discussed? A No sir, I know nothing about his connection with it.
Q You didn't live about or near Tahlequah in '83? A Yes sir, I was Pastor of the Methodist Church in '83 at Tahlequah.
Q Did you hear about the Duncan case, any other cases admitted over there by the citizenship Court? A No sir, I know nothing about the cases; I remember when the Commission was in session, and I remember that he was clerk of the Commission, but knew nothing about the cases that were decided at all.
Q Never heard anybody discuss the cases that were decided? A No sir.

THOMAS A. CHANDLER, being first duly sworn to be examined, testified as follows:

BY MR. McKENNON:

Q What is your name? A Thomas A. Chandler.
Q What is your age, Mr. Chandler? A I am 30.
Q What is your business? A Deputy Clerk of the United States Court at Vinita.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know D. W. C. Duncan? A Yes sir.
Q How long have you known him? A Let me see, I have known him about nine or ten years.
Q You know his general reputation for honesty and uprightness of character in the community where he lives? A Yes sir.
Q Is it good or bad? A Good so far as I know.
Q Do you know Campbell Taylor? A Yes sir.
Q How long have you known him? A I think about 15 years.
Q Do you know his general reputation for truth and honesty? A Yes sir.
Q Is it good or bad? A Bad so far as I know.

BY MR. HUTCHINGS:

Q How did Campbell Taylor get a bad reputation? A Well sir, I don't know how he did.
Q You never knew him until 1885? A Well I never knew him personally, I heard of him before that.
Q He had a bad reputation before '85? A Yes sir.
Q Bad reputation way back yonder? A First I remember I ever heard of him I heard people speaking bad of him, then I was a kid.
Q And everybody that came around the Nation and knew anything at all knew Campbell had a bad reputation? A Yes sir, ever so far back as '79 or '80, that is as far back as I can remember; I think I heard it spoken of in '80, I think that's about the time.
Q And Campbell got a very bad reputation in '80 and '81 when we began to have these citizen's cases? A Yes sir.
Q You heard him spoken of especially and using his skills for those business? A Yes sir, I heard of him being in the Fort Smith Jail or that account.
Q Citizens of the Nation talked a good deal about Campbell's being in those bad citizenship cases? A Yes sir.
And I also heard he had bad reputation for paying his debts, also, about the same time.
Q You don't know but he had the money, he might have had the money to pay his debts? A No sir.
Q He could have kept out of bad citizenship cases? A Yes sir, I suppose he could.
Q You never heard Mr. Duncan's name mentioned before in connection with the Benson case, citizenship case? A No sir, I don't think I have, I may have, but I don't remember hearing it.
Q General impression that we should not do something wrong with that matter, citizenship cases? A I hadn't there was something wrong in connection with the Benson citizenship case.
Q You mean there was a feeling over those cases that they were admitted? A Yes sir, I have heard it talked around over the country that Benson was one.

Q They had a pretty large voting capacity at that time, and that was never investigated? A I don't know about that, I don't think it was ever investigated, I never heard of it.

Q So they never had any endeavor to find out who the man was?
A No sir.
Q Where did you live in '87? A In '87 I lived out on Rich Creek about 18 miles south-east of Vinita.
Q How far from Tahlequah was that? A About 65 or 70 miles, I suppose.
Q You never were around before the citizenship courts any during that time? A No sir.
Q You don't know then whether or not Campbell had lost any of the bad cases or not down there? A No sir, I do not, at that time.

BY MR. McKENNON: Applicants object to all of the testimony of this witness as to what he heard by way of rumor, about the character of the Dawson case, because the same is hearsay, immaterial, irrelevant and incompetent.

A. S. McKENNON, of Counsel for Applicants, being first duly sworn, makes the following statement:

I became a resident of Carroll County, Arkansas, early in 1880. I was intimately acquainted with Doctor Arthur Baker, for many years. Knew him as well as I did anyone else. He was a gentleman of the highest Christian character, so recognized by everybody who knew him. He was a sober man, and never drank liquor. I make this statement more in vindication of that good man's memory than for any other reason, because any imputation against his character is false.

BY MR. HASTINGS:
Q How long did you know him? A I resided in Carroll County until 1887 when I removed to Johnson County, Arkansas; during the war I was away from home, but I knew him intimately every year that I resided in Carroll County.
Q Did you know him since '87? A Yes sir, I have seen him several times. I have relatives living in the town in which he lived; my relations to them were such as to cause me always to inquire about Doctor Baker; I knew his reputation I think as well after I left there as I did when I lived there.
Q Did you know those facts in 1896 when you were a member of this Commission? A Yes sir, I have known that all my life as I know them now.
Q Did you know that when you as a member of this Commission passed on the Irene J. House case? A I knew it every day of my life, in 1896 as well as now.
Q Suppose that Doctor Arthur Baker's statement should appear that he was born in the year 1808, and whereas he said when he was 15 or 16 years of age that Ernest the wife of Samuel Dawson, was a grown up girl going to school, when the other unimpeached evidence shows that she had married Sam Dawson prior to this time and had seven children, the youngest of whom was born in '35, how would you harmonize that with a man who was an honest man and knew the facts in the case? A Whatever Dr. Baker stated he honestly believed, whether it was right or wrong, whether it was error or truth, he honestly believed it, and stated it as he believed it.
Q He was capable of being in error? A Every man is.
Q I say he was? A Yes sir, just as you and I and every man, he was; I merely stated as to his high character, which could be proven, by every man who knows it I think, I know it.
Q The Commission rejected Irene J. House in 1896, of which you were a member? A I don't remember anything about that personally.

TESTIMONY ON BEHALF OF CHEROKEE NATION.

DAVID MEREDITH, being first duly sworn, and being examined, testified as follows:
BY MR. HUTCHINGS:
Q State your name? A David Meredith.
Q Where do you reside? A Vinita.
Q How old are you? A 70 years old.
Q Did you ever know Jerem Dawson? A Yes sir.
Q How long have you known him? A I knew him probably 2 years.
Q Did you ever have any talk with him about his citizenship case.
A Very little.
Q You were at one time an applicant before the Dawes Commission for citizenship were you not? A Yes sir.
Q Tell what did Mr. Dawson tell you with reference to his citizenship, as to the cost of his getting it, if anything? A Well he told me it cost him eleven or twelve hundred dollars to get his case through.
Q Where did that conversation take place? A At Afton.
Q At what time? A It was in '98, spring of '98.
BY MR. McKENNON:
Q Where were you when he told you that? A I was working on a house in Afton, building the house.
Q Whose house? A S. S. Haines.
Q Who else was present? A Haines was present.
Q Where is he? A At Afton.
Q What age man was Mr. Dawson at that time? A I don't know, he was very old, probably 75 years old.
Q Was he not a very feeble man? A Yes sir.
Q Merely able to get around? A No sir.
Q Was he not then regarded as feeble minded old man? A I don't know whether he was so regarded or not.
Q You don't know what he had to do with the case, in fact, himself, do you? A No, I judged it was himself and family that cost that much to get through; attorney's fees, etc. That is the way I took it anyway.
Q You were an applicant yourself were you not? A Yes sir.
Q When? A At that time.
Q Before the Cherokee authorities? A Yes sir.
Q They rejected you? A Yes sir.
Q You were an applicant then before the Dawes Commission were you? A Yes sir, been rejected ever since.
Q Are you still an applicant? A Yes sir.
Q Still trying to get in? A Yes sir.
Q Claiming by blood? A Yes sir.
Q How long have you been living in the Cherokee nation? A 15 years.
Q Where did you come from? A Indiana.
Q Claiming to be a Cherokee [illegible] A Yes sir.
Q Indian? A Yes sir.
Q Jerem Dawson is dead is he? A Yes sir.
Q How long has he been dead? A I think he died probably [illegible] two years after that.

TESTIMONY TAKEN ON BEHALF OF THE APPLICANT.

F. M. DAWSON, being re-called and further examined, testified as follows:
BY MR. McKENNON:
F. M. Dawson? A Yes sir.

Q Mr. Dawson, what member of your family came to the Cherokee Nation to file and prosecute the claim of your father, Robert Dawson, and the members of his family, to Cherokee citizenship?
A My brother from Texas not me at Tahlequah.
Q Tell his name? A Elbert Dawson, they all know him by Buck.
Q When was that? A In '81 was it as I remember, or '82, I don't know which, it was in '81 or '82.
Q Did you file your claim at that time? A My brother-in-law, yes, the application,—my brother had Joel Hayes to make it out and file it. That is my understanding.
Q Joel Hayes, who afterwards was Chief of the Cherokee Nation?
A Yes sir.
Q Before what court was that filed? A My understanding is he was clerk of the court; Hastings can tell me what court he was clerk of.
Q He was clerk of the court at that time? A Yes sir, of the citizenship court; that's my understanding.
Q That was done about the close at that time, if you remember? A I went back home and left my brother down there at that time, that trip.
Q Where did you then live? A I lived at Perryville, Arkansas.
Q When did you next go to the Cherokee Nation? A I believe I came back the next January, that was in September.
Q Was your brother Buck there then? A I don't think he was, I don't remember.
Q Well had he at any term of the Court or session of the Commission at any time after you first came here and filed the application until after it was decided? A No sir, I never met him any more until that case was decided.
Q You conducted the business then after that did you not? A Yes sir.
Q The case was finally determined in January 1883? A '83, yes sir, the 11th day as I remember.
Q Were you present at that session? A Yes sir.
Q Was there any decision of that case other than the one of record here? A I never heard of it if there was.
Q Was the judgment rendered in that case as recorded in that record Book of that Commission now in the custody of the Dawes Commission the only judgment that was rendered in that case so far as you know?
A Yes sir, so far as I know, if there was any I never heard of it in that case.
Q You then know of no decision against you in the case? A No sir.
Q Who was your attorney employed at the beginning? A I employed A. H. Hayes.
Q Was he a Cherokee citizen? A Yes sir, I think so.
Q Where did he live? A Tahlequah, to my understanding.
Q Was he present at any time before the Commission? A I never saw him, he never met me there before the Cherokee men.
Q Did you pay him any money? A Yes sir.
Q How much? A Fifty dollars.
Q Did he ever render any services? A If he ever did I never knew it.
Q Well then who did you employ? A My brother employed Joel Hayes.
Q Was he a Cherokee citizen?
A That is my understanding.
Q Was he not a prominent Cherokee citizen? A Yes sir.
Q What services did he render? A Well sir, I don't know whether he rendered any or not, only he met me a time or two at Tahlequah, and he was before the Commission; whether he rendered any services

or not I don't know; he was generally always at Washington City during the Term down there.
Q Well what did he do about it? A I don't know, I couldn't say whether he done anything about it. That is Mr. Bryant, he was always gone.
Q What next was done about the employment of an attorney? A Why I got a letter from Joel Bryant that he was going to Washington City and for me to come down in January Term and Campbell Taylor would see to my claim before the court.
Q Did he say that he had engaged the services of Campbell Taylor the attorney, to attend to it in his absence? A Yes sir, in his absence.
Q Have you got that letter? A I don't think I got the letter.
Q Well what did you do then? A Why when the time come I come down on the way to Muskogee here and I goes over from here to Fort Gibson and I goes down to see Uncle Houston Benge and stays all night with him; it was very cold weather, and I got him to go over and submit my case to the court; I went over one day and the next day Uncle Houston Benge come over and the next morning after he come over the case was submitted.
Q Did he submit the case? A Yes sir, he told me so.
Q For you? A Yes sir.
Q Were you present? A I was present until they went to take the vote on the case and then we was drove out of their room and they had a secret session, acting on the case.
Was Houston Benge present with you? A Yes sir.
Q Were you in the court when he submitted it to them? A Yes sir, when he made his argument.
Q He made an argument before the Commission? A Yes sir.
Q Was the decision rendered on that day? A Yes sir.
Q How long after he made his argument and submitted the case? A It was not but a little bit; when we were drove out of the house the first time before they went into secret session they wanted me to set up the cigars to the court and the crowd in the house; after the decision was rendered then I was to set up the cigars, and everybody come to me and told me to go and get the cigars and I done so.
Q And you took the cigars there and all? A Yes sir, everybody, the attorneys and all that was in the house, all had a big smoke.
Q Did they then announce their finding in the case? A Yes sir, they told me that I was granted my citizenship right and by the Commission.
Q What did you do about it then? A Why the Clerk wrote me out my certificate.
Q That same day? A That same day.
Q What arrangements did you make with Mr. Benge about his fee, and what was the amount of his fee? A There was no arrangement made until we got up there and he submitted our case; then he wanted me to pay, he charged me fifty dollars, that was his fee.
Q What was the agreement about the matter, the manner in which that fee should be paid? A My brother in Texas was to pay it.
Q Were you to write or was he to write? A He was to write for it.
Q Did your brother in Texas ever pay the fee of fifty dollars?
A Yes sir.
Q Was that all that was to be paid? A All I know of to have; all he charged me.
Q You heard him state and when he gave his deposition at Fort Gibson the other day did you not? A Yes sir.

Q [illegible] A No sir.
[illegible] you to Tahlequah, [illegible] to that? A No sir.
Q He said that you [illegible] fifty dollars [illegible] to go to Tahlequah, did you do that? A I [illegible] said Mr. [illegible] in my life.
Q After [illegible] you [illegible] to? A I went by Siloam Springs and on by Spring Dale and I went on to Rogers, took the railroad there and went on by Salina and by Grand Saline [illegible].
Q You then did not return to Fort Gibson [illegible] he stated? A No sir, I did not.
Q Why did you not return by way of Fort Gibson? A Well I thought maybe the others were the cheap or road and struck back going out by Stephenson there. I was bothering at, I could go to Siloam Springs and I went by that route and then there was [illegible] Grand Saline, that was the most direct route.
Q That was the most direct route from your home was it not? A No sir.
Q Which was cheaper? A Why the cheapest route.
Q Had you been coming back to Fort Gibson you would have been going directly away from home would you not? A Yes sir.
Q Your home is nearly east, due east of Tahlequah was it not? A Yes sir, little north of east, pretty near due east.
Q While Fort Gibson is almost due west is it not? A South west.
Q You heard Mr. Stephenson testify that you went to Fort Gibson with him, and is your name you stated to him that the way to reach the court was through Gibson and you reached there through Denison? Give hundred dollars, did you make this statement? A I never did, I didn't have the five hundred dollars to reach him.
Q Did he while at Tahlequah in the court room or in the evening before this judgment was rendered in your favor, tell you that the court had rendered a judgment against you? A No sir.
Q And did you then say to him, you [illegible] fix that? A I had no such conversation with him.
Q Did you pay to D. W. C. Duncan, who was the Clerk of the Court any sum of money, or agree to pay him any sum of money, directly or through any other person for any services he might render you by way of influencing the court to decide in your favor? A No sir.
Q Or for any other purpose? A No sir.
Q Did you pay him any money after that through Campbell Taylor?
A Yes sir.
Q What amount? A 20 or 25 Dollars, I don't know which it was.
Q State what that money was paid for? A For a claim.
Q What do you mean by a claim? A Claim on the public domain; he had a claim up there close to it; paid him 20 or 25 dollars for his claim. He had no claim by me, on the Cherokee Public Domain.
Q What did Campbell Taylor have to do with your case?
A He had nothing to do with it.
Q Did you agree to pay him any money for his services as an attorney? A No sir.
Q Did he perform any services in that case for you as a representative of Mr. Bryant? A No sir.
Q Did you pay him any money? A Yes sir.
Q On what account? A He came to me and said he had the claim against me for Joel Bryant and wanted me to pay him the money and I done so.
Q What amount? A Hundred dollars.

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Q For [illegible] paid to him? [illegible] Joel Bryant.
Q Did you pay it to Joel Bryant, or do you know of? A Joel Bryant claimed he didn't, and, when I went to see him again, paid Joel Bryant the hundred dollars we owed him for; E. Burns paid Joel Bryant; after that; we never could get the money from Campbell Taylor, only twenty dollars or twenty-five dollars; got in all we ever got back from him.
Q How did you get that 25 dollars out of Mr. Duncan? A I kept after him and telling him to pay that money back to me, he rendered no services to me at all and the money was to go to Joel Bryant, and I finally worked out the twenty or twenty-five dollars, that is all I ever did get back.
Q The amount that he paid to Duncan? A Yes sir.
Q Was this money paid to him, this one hundred dollars, while you were there at the time the judgment was rendred, or was it sent to him afterwards? A I think it was paid then, as well as I remember about it.
Q You think it was paid then? A Yes sir, that's my recollection now.
Q Did you send him one hundred dollars after you came away from there, subsequent to the rendering of that judgment, after it was rendered I can, direct him to pay fifty dollars of that or any other sum to D. W. C. Duncan? A No sir.
Q Did you send him a second one hundred dollars with such direction? A No sir.
Q Mr. Reese, [illegible] it cost you personally in all to obtain their citizenship in the Cherokee Nation under this judgment? A Pretty near it I do.
Q Well about what sum? A About five hundred dollars, pretty near 500 dollars. That is what I considered, I was beat out of some of my money, what I was beat out of and expenses.
Q Now take a statement of what that money was paid for and now, so far as you remember, itemize it now? Well the first fifty dollars Norwood got; the next fifty dollars Bruce got; that was the attorneys fees; I speak of the attorneys fees now; the next money was the hundred that Campbell Taylor got; the next attorney fees was Bryant's one hundred dollars.
Q Was that all the attorney's fees? A I think it was, no, wait, I paid Ross 15 dollars for taking Baker's deposition.

Q Chief Ross was that? A The old Chief, still Ross I think was his name, William P. Ross.
Q He then, the Chief William P. Ross for taking the deposition of Mr. Baker charged you fifteen dollars? A Yes sir.
Q Do you remember that that was after as your attorneys examined him? A Yes sir.
He examined him before the Commission, took his statements.
Q What other attorneys were there present? A None of his was present.
Q Go on now, go on. A For the expenses of taking Mr. Baker and he was a Doctor, you all, as I remember he charged me 5 dollars a day and I have the expenses down there; we come through in a hack from Fayetteville, Arkansas, to Tahlequah, and my board and expenses, and all I think was about 75 dollars that trip; no setting near it. Maybe a little over that.
Q Did you pay him a per diem? A I paid him five dollars a day for his time and then his expenses.

Q Well? A Well I made several trips out here at different times, to Tahlequah before the Commission, and back, three or four trips as well as I remember now, cost me 20 or 25 dollars each trip, as I remember about it.
Q Do you remember how many trips aside from the one in which you brought Dr. Baker? A No, I think there was probably three trips I think it was, maybe more, and then I made one trip to Claremore to see A. H. Norwood.
Q What did that trip cost you? A I don't remember what it cost; I went in a wagon down there.
Q You went through and employed Benge, went by railroad; what did that trip cost you? A I don't remember what it was, whether it was 21 dollars or 31 dollars, one or the other, I don't remember which it was: Joe Dawson, my brother, give me the money, it was either 21 or 31 dollars.
Q Now then is there any other expense that you know of that was paid by you or your family, any members of your family, other than that you have mentioned? A I don't remember any other now; I can't call to my memory right now.
Q What was the condition of the members of your family generally now, financially, at that time? A Well we were considered poor people: I don't know, we didn't have much money, scarcely any.
Q Was there any one of them that was better off than the others, and if so, which one? A I suppose Elbert Dawson was better off than the others, Buck Dawson.
Q Do you know how much Buck Dawson paid of these expenses? A I don't think he paid, he paid the Benge debt and the Bryant debt, I think it was.
Q That is one hundred and fifty dollars? A Yes sir, that he came up on one trip and taken some evidence with Joel Bryant what Joel Bryant was Clerk of the Court before this Tahee Court, I don't know what that cost him.
Q Came up here and took some testimony? A Yes, came up and went back to Texas. Filed his claim and took some testimony and went back to Texas and I didn't see him.
Q Did that testimony include Dr. Baker's testimony? A No sir.
Q You know how many witnesses were examined then? A I only know what he told me.
Q How many? A Four witnesses.
Q You know whether they were residence of the Cherokee Nation or not? A He told me they was.
Q Were you present on that trip in which he came there and took that testimony? A No, I met him there and then I went back home and left him at Tahlequah.
Q He had taken the testimony before you left him or afterwards? A He taken it afterwards. That was my understanding.
Q Did Buck furnish only the one hundred fifty dollars that you now remember? A I think it was.
Q And the expense of taking these witness up there A Yes sir.
Q Who else furnished money now of the members of your family? A My brothers and father lived down in Perryville, me and my brother-in-law, Blassingame, we all chipped in together a few dollars from each family.
Q You heard the statement of Q. C. brought that in June 1933 you told him that it had cost you 700 dollars, did you make any such statement to him? A I never did.
Q And that you paid one witness 500 dollars? A I never made any such statement.

Q Did you pay any witness any such sum? A No sir, I paid Dr. Baker for his time; he said his time was worth 5 dollars a day, and sir, and I paid it.
Q Did you pay any other witness any more than that? A No sir, he was the only witness I talked down there in my case.
Q Well the Robert Dawson case? A Yes sir.
Q He says that you told him this in your house there on your place, did you have any house there in June 1883? A I was not living on my farm at that time.
Q Did you have any farm? A Didn't have any.
Q When did you build a house there? A I built a house on the farm I live in now by Mr. Brought, I moved on the farm the last of July, 1883, and I camped in my wagon.
Q What did you do? A I went to the timber and got poles and logs and built out and made me a log cabin on the place by a spring near Mr. Brought.
Q About what time did you finish that house? A I it was in October.
Q How soon after you finished that house until you brought your family out? A I finished it on and got it covered and the floor in it and I went back to Eureka Springs after my wife.
Q What family did you have then? A I had my wife and she had one child; but my oldest children, by my first wife were with me in the Territory, camping with me; three little boys and one girl were with me, and one girl back in Arkansas.
Q Are you and C. G. Brought on good terms? A No sir.
Q What has been the character of the trouble between you? A Trouble over our places first started it.
Q When did it begin? A As soon as I got back from Arkansas he commenced hinder crowding me out to take my farm away from me, and we have been in a racket ever since.
Q Then his statement that you were on friendly terms, is it correct or not? A No sir, it aint correct.
Q He and you have never been friendly as neighbors then since you first came back from Arkansas and settled in the Territory? A I don't remember ever being in his house; I never was in his house.
Q Have you had law suits with each other? A Yes sir.
Q How many? A I don't know that we had any particular law suits, but I have had law suits and he has been a witness against me.
Q What was your last trouble with him, when I mean? A Along last fall.
Q That was when your boys had a little racket and he had your boy arrested? A Yes sir.
Q What was the age of these boys? A Eleven years old.
Q He had him arrested down at Vinita? A Yes sir, had him arrested and carried before the Commissioner at Vinita.
Q He was discharged on account of his age? A Yes sir.
Q Jack Dawson is dead is he? A Yes sir.
Q How long has he been dead? A Three years, little over three years.
Q And Jarea Dawson is dead? A Yes sir.
Q Is your father, Robert Dawson living? A No sir.
Q When did Jarea Dawson die? A I don't remember, been dead several years, I don't remember how long, 6 or 7 years, I couldn't state.
Q When did your father, Robert Dawson die? A I believe it was in '87 as I remember now, I wont be positive.
Q Had all these moved to the Cherokee Nation before their death? A No sir, father died in Arkansas.

Q Those that lived here in the Nation they lived here in the Nation but went back to Arkansas and died there? A Well the rest of my folks all lived here. That was James Dawson and Buck Dawson.
Q Robert Dawson, your father, never did move to the Territory, did he? A No.
Q Did you hear the statement of the witness Beavert this morning, that about the time of hearing of the James Dawson case, at a negro church at night James Dawson came down there with someone else as introduced to him, and he loaned him ten dollars; did you hear that statement this morning? A I heard the statement, yes sir, I heard it.
Q He says that man James Dawson was 35 or 40 years old; was there any James Dawson living belonging to your family at that time of any such age? A No sir.
Q How many James Dawson's were there belonging to your family? A There was my uncle James Dawson and a brother James Dawson, the Doctor here.
Q How old was your brother James Dawson then? A He was a tolerable old man, I don't know his age.
Q About what age? A Must have been 60.
Q Between 60 and 70? A Yes sir.
Q That was the age of your brother James? A At that time?
Q Yes sir, in '84? A In '84 I suppose he was about 18, something like that.
Q Had he anything to do with the James Dawson case? A No sir.
Q Was he present at the time that the James Dawson case was under consideration? A No sir.
Q Was James Dawson, your uncle James Dawson, present at any time during the consideration of his case? A No sir.
Q He never was present? A No sir, if Uncle Jim Dawson was ever in Tahlequah I never knew it.
Q Who conducted the prosecution of the James Dawson case before the Cherokee Citizenship Commission, who conducted it? A The James Dawson case?
Q Yes sir? A I think James Low and Bill Jackson and Campbell Taylor.
Q Were you acting with them? A Yes sir.
Q They employed Campbell Taylor? A Yes sir.
Q Then there was no James Dawson present during that session of the Commission? A No sir.
Q What was the condition of James Dawson's health at that time? A It was pretty poorly; was not good.
Q Was he at that time able to get about and attend to business? A I don't think he was.
Q He was not a very feeble minded old man at that time? A Yes sir.
Q Regarded as rather a silly man was he not? A Yes sir.
Q Did he attend to any kind of business of the family at that time? A No sir, didn't.
Q What was his financial condition? A Pretty bad.
Q Did he have any money? A No sir.
Q Did he have any property? A None hardly at all; horse probably, or a cow or two, something like that.
Q Was that about all the property he had? A Yes sir.
Q How about the other members of his family that were admitted at that time; what was their financial condition? A They were in poor circumstances.
Q Now then after these judgments were rendered what members of your family removed to the Territory, Cherokee Nation, I will say? A Robert Dawson and family and James Dawson and family, that is, them and their children.

Q Robert D[illegible] you didn't remove here? A No, I said except Robert Dawson.
Q Did all the members of Robert Dawson family move here? A Yes sir.
Q Except himself? A Yes sir.
Q And all the members of James Dawson family? A No, not all the members, Melvina Low I don't think ever lived here.
Q She has never moved here? A No sir.
Q Well all the members of your family, your father's family included in that judgment of the Committee, rendered January 11th, 1893? A All but one.
Q What was the name of that one? A Wina.
Q A daughter? A Daughter of Robert Dawson.
Q Your sister? A Yes sir.
Q Was she then of age or was she a minor? A I think she was a minor, as well as I can remember.
Q Was she afterwards admitted to citizenship in the Cherokee Nation? A She was.
Q By Commission of the Cherokee Council? A She was first admitted by the Spears Court, her and two of her nieces.
Q What are their names? A Katie Vernon and Verna Fishback.
Q What became of that? A The certificate papers they got was lost, and they went before the Council in 1894 andthey was re-admitted back by the act of Council.
Q That was in 1894, the Cherokee Council admitted, re-admitted whatever you call it, the three above named? A Yes sir. Mary and Verna Fishback and Katie Vernon, they have now the name of Katie Vernon, I mean, Vernon, I mean, Rob Robinson married the widow, a widow of mine.
Q And then was any subsequent consideration of the Dawson case by the Cherokee authorities at any time aside from these two acts in '87 and '94 admitting the two families of Robert and James Dawson, and the act of Council of '94 admitting these three that you have just named? A Yes sir.
Q When? A My two of my sons was placed on the roll by the act of Council in 1892 I think it was; left off of the rolls in per capita payment and they was placed on the rolls I think, and Sam Mayhugh paid by act of Council, got their draft or checks for the money.
Q Have you got that copy of the act of Council admitting them? A Yes sir.
Q Where is it? A (Produces papers.)

MR. MCKENNON: We offer in evidence an act of the Cherokee National Council making an appropriation of 20,000 dollars belonging to the general fund for the payment of certain persons therein named a per capita payment, as per amount set opposite their respective names, provided that the Principal Chief shall draw warrants for such amounts, and further provided "That the names of the persons appearing on the per capita rolls in this act shall be placed (on) the authenticated roll of 1880 by the Principal Chief." This act was approved December 21, 1891. Approval signed by Stephen Tenee, Assistant Acting Principal-Ch. This list a[illegible] the name of Willia[illegible] R. Dawson for payment of $13.70, and of Marion Dawson, for a like sum. Are these [illegible] the names of two of your sons? A Yes sir.

(The paper above introduced, is filed and made a part of the records in this case.

Q Was there any other action of the Cherokee authorities relating to members of your family? A Yes sir.

Q When? A In 1894.
Q What was that? A Allowing them their Strip Money.
Q Have you a copy of that? A I think I have. (Produces papers.)
BY MR. McKENNON: We offer in evidence a duly certified copy of an act of the Cherokee National Council approved November 24, 1894, signed C. J. Harris, Principal Chief. Senate Bill No. 19, appropriating a sufficient amount of money to make payment per capita of what is known as the strip money to certain persons named therein. Among them are members of the Blassingame family, as follows: Jane, Elbert, Henry, James Robert Lennie, Pearl, Amos, Myrtle, Winnie and Clifford; this act mentions these persons as Cherokees by blood, and whose names had been left off the pay roll approved May 3, 1894, providing a payment to each one of these a sum of $265.70.
Q Were these members of the Robert Dawson family? A Yes sir.
Q Which one of the members of the family? A Jane.
Q This is Jane who was admitted by the judgment admitting the Robert Dawson family? A Yes sir.
Q And her children? A Her children, was not admitted, she was admitted.
Q I mean this mentions her children here? A Yes, that mentions her children.
(The paper last above introduced is filed and made a part of the record in this case.)
Q Do you know whether the payment of the Cherokee Strip money was

to Cherokee citizens by blood only or not? A Yes sir.
Q Was there any other act of the Cherokee authorities passing upon the citizenship of members of your family? A Why the Douthett children, my brother's grand-children. Two grand-children of E. Dawson.
Q When was that? A That, I think it was in '84.
Q Have you got a copy of that act? A No, the record is here.
Q Was that by the Spears Court? A Yes sir, by the Spears Court.
BY MR. McKENNON: We now offere in evidence a judgment of the Cherokee Commission on Citizenship, 1880 and 1884, found on page 190, case No. 181, dated September 9th, 1884, signed by Eli Spears, President, John Lee and Andrew Young, Commissioners, admitting to citizenship Lula Douthett and Dallas Douthett as Cherokees by blood.
Q Those now are the Douthetts to which you refer, are they? Yes sir.
BY MR. McKENNON: Attention is called to the fact that the names of the Commissioners are all signed in the same hand-writing as the record of the judgment.

The said judgment record above introduced, and found on page 190, No. 181, record of 1880 to 1884, is as follows:

"Office of Commission on Citizenship,
Tahlequah, Cherokee Nation, September 14th, 1883.

E. Dawson, for his grand-children, No. 181.
Lula Douthitt,
Dallas Douthitt,
vs
The Cherokee Nation.

C. H. Taylor, Atty for Claim.

Petition filed September 14th, 1883.

Case submitted by claimants Sept 14th, 1883.
Case submitted by Solicitor, Sept. 19th, 1883.
Continued by Petitioner Jan 22 1884 to September Court 1884.
Re-submitted September 2nd 1884, by Attys Taylor and Beavert

Submitted by defence Sept 9 1884.

And now on this the 13th day of September 1884 coms this case for final hearing and all the evidence in the case having been carefully read, and considered by the Commission on Citizenship it has been decided by the Commission that the above named Lula Daugherty and Dallas Daugherty are Cherokees by blood, and that they are entitled to all the rights and privileges of Cherokee citizenship in the Cherokee Nation and that they should be, and are hereby admitted to the full and complete enjoyment of the same in all respects, as native born Cherokees.

Eli Spears, Jr S.
John Lee,
John L. Adair, Andrew Young,
Clk Com'n. Commission on Citizenship."

Q Now were there any other actions of the Cherokee authorities of like character relating to the members of your family?
A I don't remember of any others.
Q I will ask you if when the Cherokee authorities were [illegible] the roll of 1896, in compliance with the request of the Dawes Commission for a roll to be prepared by them for the use of the said Commission, the question of the citizenship of the members of your family was not then raised and an investigation had in regard to it? A Before the Dawes Commission?
Q No, before the Cherokee Commission making the roll of 1896, of which John T. Coulter was a member? A Yes sir, yes. I had forgot it, but since you have named it there was some investigation of them at that time; this is what I understood.
Q That roll shows that the members of your family were duly enrolled by the Commission? A Yes.

Q Have you and the other members of your family since your removal to the Territory in 1883 and immediately following been recognized as Cherokee citizens by blood? A Yes sir.

Q Have you been exercising and enjoying all the rights of Cherokee citizens by blood since that time? A Yes sir.
Q You and all the members of your family are living in the Cherokee Nation? A Yes sir.
Q You have all drawn Cherokee moneys whenever payments were made? A Yes sir.
Q And have you all male members been voting at the Cherokee elections or in the Cherokee elections? A Yes sir, I was one of the judges of the elections that was held voting on the treaty.
Q What treaty? A The treaty bill that was sent back here for the Cherokees to vote on; I was one of the judges at Afton.
Q In what year was that? A I believe it was last spring some time, last April.

Q Have any of you held any offices in the Cherokee Nation? A Yes sir.
Q What offices have the members of your family filled? A Deputy Clerk, under Pete Hastings, when he was clerk of Delaware District, I was a candidate once for Council in the Downing party.

...

Q ...ny office of deputy clerk be held by any one else except ...cognized citizen? A Only by a citizen, yes sir.
Q Is that all? A (No reply).
Q ...ve the children of members of your family attended the Cherokee schools, and been educated in Cherokee schools? A Yes, sir.
Q Have the members of your family been all the while subject to the jurisdiction of the courts of the Cherokee Nation? A Yes sir.
Q Have they been tried for any offenses against the law? A Yes sir.
Q And have they instituted their civil suits in the courts of the Cherokee Nation? A Yes sir.
Q And had suits instituted against them in such courts? A Yes sir.
Q Some of these cases have gone to the Supreme Court of the Cherokee Nation? A Yes sir.
Q And were passed upon by that tribunal? A Yes sir.
Q Is there anything else? A Nothing now; I am sick this evening; I have got the head-ache so bad I can't hardly see.

BY MR. HUTCHINGS:

Q How old was your father Robert Dawson when he died? A I don't know, I couldn't answer that.
Q He was a very old man? A Yes sir, he was getting tolerably old.
Q Could you tell how much older he was than you? A No I don't know.
Q Mr. James Dawson in 1884 must have been a very old man wasn't he? A Well he was old and he was feeble.
Q Well you stated that he had been so sickly; was he naturally that way? A He used to live in Texas; I didn't know him until after he came to the Territory.
Q I say he had gotten so old, that was the occasion of that? A I suppose so, the oldest one of these children was Mrs. Betty Petty, that's my understanding.
Q And the oldest boy was John Dawson? A We always called him Jack.
Q Jack Dawson he was the oldest? A Yes sir.
Q Sam was the youngest? A Sam Riley.
Q He was the youngest one of the crowd? A Yes sir.
Q Your father lived four or five years after he and you were admitted to citizenship? A Yes sir, something about that, it was in 1883, I think he died in 1887, I wont be positive; that is as near as I remember now. I have got a headache so bad that I can't remember anything.
Q He nor none of the older members of the family were ever present at any of these trials of citizenship? A No sir, not a one of them was.
Q Not a one of them was ever called upon to testify as to the blood of their mother, who she was or anything about it? A I don't think they was.
Q Your claim of kinship was through Captain John Rogers and that your grandmother was the half sister of Big Joe Vann, wasn't it? A I don't know, I couldn't answer the question.
Q You were there when they took the testimony? A I was there when Dr. Baker's testimony was taken, that was about 16 years ago.
Q And nobody kin to the Rogers and Vanns was ever called to testify in the case? A Not as I know of.
Q They were very well known Cherokee families in the country? A I suppose so, I don't know.
Q And yet nobody on any side of the family connected with it was ever called to testify? A Not that I know of, I don't know what my brother done, he taken some of the evidence at Tahlequah which I was not there; he first filed his claim.

Q You had spoken to Dr. Baker about the testifying before you brought your case didn't you? A No sir.
Q Must have been a short time afterwards? A It was a short time afterwards. I went back after him and it was too late and I fetched him the next time.
Q You had talked to your brother about what you could prove by Dr. Baker? A I told him I thought Dr. Baker, I thought he knew about our folks.
Q You had told him in general way you expected to use Dr. Baker as a witness? A Yes sir.
Q You went off, come to Arkansas and left your brother at Tahlequah after you told him that fact? A Yes sir.
Q You didn't see your brother any more until after you were admitted? A No sir.
Q You and he however made trips back and forth to Tahlequah and home at different times, but you didn't happen to get together? A No. I never met him any more and I don't know that he was there until after we were admitted.
Q But you were there and brought Dr. Baker over? A Yes sir.
Q And took his testimoney a year or such a matter before ever you were admitted? A I think as well as I remember, yes sir.
Q How the way you came to get Campbell Taylor was on the recommendation of old man Bryant? A I didn't get him, didn't use him.
Q The way he came into your case? A The way he claimed to come in.
Q He did more in your case than Bryant did? A Campbell didn't do anything.
Q That did Bryant do? A I think he help my brother take evidence my brother employed him.
Q How did you happen to be sending money by Campbell to Mr. Duncan? A I never sent him any money.
Q Then when he, Mr. Duncan, states that Campbell delivered the money as Campbell said he did, both were wrong? A Oh no, you are mistaken, Mr. Duncan got 20 or 25 dollars, which he stated, from Campbell Taylor, for me.
Q How did you happen to give it to Campbell? A I give the money to Campbell to give to Joel Bryant, and he wouldn't do it, and I tried to get the money back from him, and I finally worked the 20 or 25 dollars he gave to Duncan.
Q Then you didn't tell Duncan as he testified that you sent 20 or 25 dollars by Campbell Taylor? A Campbell Taylor agreed to pay Duncan 20 or 25 dollars for me of the money I give him to give to Joel Bryant.
Q The family kept Campbell Taylor employed though as their attorney after that? A In the James Dawson case I think so.
Q E. Dawson, you remember, had him for his grand-children? A That is my understanding.
Q And your uncle James Dawson had him in the case of his children? A Uncle James had nothing to do with it; James Low and Bill Jackson got him; that was my understanding of who employed him.
Q The record here shows that the case was originally instituted by C. H. Taylor and was finally submitted by him September 2nd, 1884, in the James Dawson case? A I don't deny him being in that case.
Q You say he was employed in the E. Dawson case? A I don't know who was in the Dauthett children's case.
Q The record shows that Campbell Taylor instituted the case, and it was finally submitted by him, and Mr. Beavert, who testified a while ago? A That was in the James Dawson case, wasn't it?
Q That was in the E. Dawson grand-children? A Elbert?
Q No, in the Dauthett children's case? A Oh yes.

Q He was likewise attorney in the Mary Dawson case [illegible], and before the Adair court, the 4th of October, 1887, in the case of James K. P. Dawson? A I don't know anything about that.
Q And the case likewise of Riley Dawson? A I don't know anything about those.
Q They are relations of yours? A Well I douldn't say.
Q James K. P. Dawson proves to be a son of Riley Dawson? A Well if he is he is by connection then. There are so many Dawsons I don't know them all.
Q You know Andrew J. Dawson? A Yes sir.
Q The Dawsons have so many children their brothers didn't hardly know them did they? A That's it, I don't know them.
Q Well then you don't know who Andrew J. Dawson is? A No sir, I don't know.
Q He refers in his application as being a cousin of F. Dawson, and yourself, who were admitted to citizenship by the Tahlequah Court? A He may be, I don't know nothing about it.
Q He resided I believe, at that time at Nevada, Missouri? A I don't know anything about their people.
Q Old man Baker was an old and paralyzed man at the time he testified wasn't he? A Getting old, he was not paralyzed.
Q Then the statement made that the reason he couldn't write his name and had to make his mark, because he was paralyzed, in the testimony isn't that true? A He didn't have good use of his fingers.
Q Then he was not paralyzed? A No, I brought him over there in a hack from Berryville, Arkansas.
Q Well I say he was a very old man? A Yes, getting old.
Q How didn't you come to this place and then joining, brought it and work on it some time before you brought your family? A No, I brought my family with me, except my wife.
Q And you subsequently built a log house on it? A Yes sir.
Q And went back and got your wife and moved them to the log house? A Yes sir, went to Eureka and got my wife.
Q You never saw your grandfather at all? A Sal Dawson, yes sir, I saw him.
Q You remember do you of being with him much of any at all? A I was in Texas in time of the war, with my uncle Riley Dawson, and he was there.
Q In '60 sometime? A '62, I reckon, or '63. Somewhere along there, it was in time of the war.
Q How old a man was he at that time? A Pretty old man.
Q You never saw your grandmother, she died before she came?
A Yes sir, I never saw her at all.
Q Who first started the citizenship matter, your brother in Texas or you? A Why it was me, and my brother together.
Q I mean who first conceived the idea? A I first commenced talking about it.
Q And sent down for him? A I was in Texas with him and then in Arkansas; I went Edwards and forwards a time or two after the war.
Q About that time nearly everybody in Arkansas were trying to get some claim of kinship to Cherokees? A No sir, not at that time.
Q They were getting pretty thick in there in 1880? A Well in 87 and '4 and '5 I think.
Q Been more excitement over there to get yourselves on the rolls? A Just got to be everybody; but it wasn't at the time we was admitted there was not much stir about the rights here.
Q Well the Watts had been admitted before that? A I suppose they had; there was not much excitement over the Watts claim at that time.

BY MR. HASTINGS:

Q You did locate old Court with Sam Shables when you first came to Tahlequah in '01? A I think I did.

Q Your brother Buck Dawson stayed there also? A Yes sir.

Q Sam Shables lived in the north end of town, old German? A Yes sir, old German, lived in the lower part of town.

Q Did you ever hear the names of any other witnesses which you stated perhaps testified in your case? A I have heard them but I have forgot them.

Q You don't recollect any name now? A I don't remember them, no sir.

Q In the Irene House case and Joanna Barber case, in which you testified before the Commission, when you were making search for this testimony you couldn't find any other testimony from that of record except the Dr. Baker testimony, could you? A That's all we could find; no we didn't find the testimony, we got a copy.

Q Well it must have been a copy of the original, the certificate shows that? A I don't know; House got a copy of what claimed to be the affidavit of Baker and he told me to give it to him; that is all I know about it.

Q Well the certificate there does not bear my certificate does it? A I don't know about that, I am no scholar.

Q Well you didn't get the testimony of any other witnesses except that of Dr. Baker; you couldn't find any other over there of record? A I didn't hunt for any; House hunted for them.

Q None of you have ever been able to find any other? A No. Not even find our petition.

Q Samuel P. Dawson applied to what is known as the Adair Court, didn't he? A I don't remember now.

Q He was an uncle of yours wasn't he? A Yes sir, claimed to be.

Q The father of these two parties who testified here was, was he? A Well I don't know, they claimed to be, I never met the man myself.

Q He was rejected by the Adair Court, or Hayes Court? A I don't know whether he filed his petition.

Q Did you testify in his case? A I don't remember; I might have done it.

Q Didn't you testify in the Andrew J. Dawson case before what is known as the Hayes Court? A I don't recollect, if I did I don't remember.

Q Did you testify in the Riley Dawson case? A No sir, now that I remember.

Q Didn't you know of his being rejected by that court? A I don't remember, sir.

Q You know that the Cherokee Council never authenticated the roll of 1896, don't you? A No sir, I don't know it; I didn't know this was done until I went to Tahlequah after some papers and came back and they told me about it.

Q You never found out that C. H. Taylor was a big rascal up until the present time have you? A (No response)

Q The records here show that he has been in the constant employment of your family from that date up to this time? A Why it shows here from the record; I would rather be excused for any part of it.

Q You were the man that had the most to do with it? A I never employed him, I can say that.

Q You are the man that had most to do with the records? A In my case and in my father's case.

Q Didn't you testify for your uncle J.L. Dawson? A Yes sir.

Q Wasn't he attorney for him? A Yes sir.

Q Wasn't he employed by Jim Dawson after you got your citizenship?
A Why not but the grand-children.
Q Jim Dawson's petition was filed in September last, wasn't it?
A Yes sir.
Q C. E. Taylor, attorney of record, filed the petition? A He might have filed it for all I know.
Q Well you hadn't at that time fallen out with C. E. Taylor had you? A Why no, we never did have any trouble, only over the money, he never would give it back to me or give it to Bryant.
Q You never discovered that he was such a bad man until after your judgment was rendered? A I know he was no good from start.
Q Are you and Brought, who has also testified for the Chemehuevi Nation, on speaking terms? A Hardly speak.
Q Does he refuse to speak to you? A Sometimes he does.
Q Do you refuse to speak to him? A Yes sir.
Q Have you been speaking to him for the last two or three months? A I have not spoke to him until I met him there at the hotel the other day.
Q First time you spoke to him since he had the boy arrested? A Yes sir.
Q When did he have the boy arrested? A Along in September or October, September I think.
Q When did Dr. Baker die? A I don't remember.
Q You don't remember how much older your father was than you?
A No, I don't know.
Q What is your age? A I will be 60 in May.
Q Then you were born in '42? A Yes sir, '42 according to the record.
Q Was your father as much as 25 years old when you were born?
A I couldn't say.
Q What was your best judgment? A I suppose he was 30 or 35 years old. My understanding he married young.
Q Can't you give any better idea than 4 or 5 years of your father's age? A I say 25.
Q Your father was born say, 25 from 42 would have made him be born in 1817; now had your father any older brothers or sisters? A I think Jack Dawson was the oldest of the family, no, Betty, the girl, was the oldest and Jack next, and then my father as well as I remember about it.
Q There were two girls older? A No, one of the girls I never saw.
Q Then you think there are only 2 older than your father? A Yes, that's my understanding of the family.
Q Dr. Baker gives his age 79 in '87, which would make him be born in '89, now he states that when he was 15 or 16 years old, which added to 1809, will make 1824, that your grandmother Anna Pruett, was a school girl; whereas from your testimony and that of the family history introduced here shows that your grandmother Anna Pruett was the mother of seven children, the youngest being born in 1823, how do you reconcile that? A I don't remember about the statement of Dr. Baker; I don't know what he made such statement as that, I don't remember about it.
Q And if he did you don't know how to reconcile it? A (No response.)

Q Did you talk to any of the members of the Court that admitted you? A No sir, I was not acquainted with them.
Q You know whether they were old or young men? A They were old men like; Steve Tehoe, I got acquainted with him afterwards, and Tom Thompson, at the Council you know I was there a good deal.

Q That was the fellow that was on the Court? A Yes sir.
Q He was afterwards Assistant Chief of the Cherokee Nation?
A I think so.
Q Steven Tehee, that's the man you had reference to? A Yes sir, I think it was, I just knew the man; I had no acquaintance with him at all.
Q D. W. C. Duncan boarded when you were down there at the National Hotel? A I think he did, as well as I remember now when we were admitted.
Q Don't you know he did? A I think he did, as well as I remember.
Q Were not you over there to his room? A I think I was.
Q You remember when it was that you brought Dr. Baker down there to take a statement before the Court? A It was in January, Term, Was in January Term of 1882 I believe, it was, as well as I remember about it.
Q Well you didn't take any more testimony after Dr. Baker testified?
A No sir, I didn't.
Q But your case was not submitted or passed upon for a year?
A I think it was, yes sir, as well as I remember.
Q I would like to ask you when the Blasingame family came to the Cherokee Nation? A Alex Balasingame came with us when we moved here, and went back and got his family and moved that fall.
Q Did he move his family here that same fall? A Yes sir.
Q What year was that? A In the fall of .87 I believe it was, as well as I remember now.
Q When did the Bulaska family come? A I think the girl and the old lady came in the next spring.
Q How long did they remain that time? A The old lady stayed here, but the girl went back and in a short time married and her husband came back.
Q Did she come back until after her marriage? A No, she was married when she came first.
Q The last time? A She was married I think, she was married when she came out.
Q How long has August Bularka been a permanent and continuous resident of the Cherokee Nation? A I think he came there in the fall of 1884 or 1885, I would say which.
Q How long has Robert Pierce been a continuous resident of the Cherokee Nation? A Ever since he was admitted.
Q When was that? A '83.
Q How long has Martin L. Patterson? A Ever since he married his wife, and he was living here before he married his wife.
Q Who is Arizona Alrey? A That is my daughter.
Q Did you bring her with you? A No not when I moved.
Q When did she come? A She came out in a year or two after I moved here.
Q Was she married when you moved here? A No sir, she was not married.
Q She was not married when you were admitted? A No sir, she was a child.
Q When did Jim Lowe come to this country? A With his grandfather, James Dawson.
Q What was his mother's name? A Melvina Dawson.
Q You know Jim Lowe's age? A No sir.
Q Don't know how old he was in '83? A No sir.
Q Was he grown? A I think he was.
Q Married? A No no.
Q Married in this country? A Yes sir
Q Who is James H. Harmon? A Married one of the Jackson girls.

Q When did they come to this country? A Right away after they was admitted.
Q In what year? A I think the winter of '94, I think it was, spring or winter of '94.
Q You know Gideon Graham? A Yes sir.
Q Who is his mother? A Missouri Ann Graham, formerly Missouri Ann Dawson.
Q Did he come from Texas to Arkansas? A Come from Texas.
Q Did you know them in Texas? A I knew the girl.
Q You never knew them until they come to this country? A I never knew Gid.
Q When did you see him here? A I think they come here in the fall or winter of 1894 or '5.
Q He was married then? A I think he was.
Q Brought his wife? A I think he was, I don't know.
Q Did he have any children when you first saw him? A He come to my house and I never saw his family for--I don't know, for several years.
Q You understood he had a family? A Yes sir.

BY MR. McKENNON:

Q Did you mean to say '84 or '94? A '84.
Q Did you see Gid Graham in '84? A '84, let me study, maybe '85.

BY MR. HASTINGS:

Q Did you see him in '85, are you positive on that proposition? A I think so.
Q Will you swear it? A No sir, I won't positive swear it, but I think it was, as I remember now it was; I couldn't say positive.
Q All the people Mr. Dawson that have been admitted to citizenship by courts of competent jurisdiction unless they were de-citizenised by courts of acquired jurisdiction, enjoyed the same privileges that you have narrated here about going to school and being tried in the courts? A Yes sir.

Q All that sort of thing that you have been telling here on your direct examination? A Ask me the question again.
Q I say all people who were admitted here by courts of competent jurisdiction, until they were de-citizenised by courts of like jurisdiction, enjoyed the same privileges that you did? A So far as I know they was.
Q They all drawed money and all tried in the courts as long as we had tribunal courts, were they not? A Yes sir, so far as I know.
Q There was no special privilege granted to you in preference to anybody else? A None but recognized citizens of the Cherokee Nation.
Q Well you had been recognized since you were admitted? A Yes sir, I enjoyed the same privileges of native born Cherokees.
Q Well I say there is nothing special about it? A No, I don't know of there is.
Q You got acquainted with Mr. Dawson while you were up there during the hearing? A Yes sir, I was acquainted with him, knew him, and I was his.
Q Mr. Pitt Reed did the examination of Dr. Baker? A Yes sir.
Q Did you file any other paper before the Court other than your petition and then Dr. Baker's statement? A I never filed any petition there at all.
Q Never did? A I don't remember any.
Q Well you never had occasion to file any papers before Mr. Duncan? A I got him to do some writing for me.
Q What? A Letters to my brother in Texas.
Q Much better? A Yes sir, E. Dawson.

Q What? A Yes sir, Buck Dawson.
Q Well is that all he did for you? A I don't [illegible] about it.
Q Why didn't you get your attorney to do that letter writing? A There was not any there.
Q Taylor nor Benge was not there then? A No sir.
Q That is what you paid the 20 or 25 dollars for, was writing this letter back to your brother? A I paid him for that claim.
Q When did you pay that? A I think I paid it, I don't exactly when, Carp Taylor paid it a year or two after I moved out here and settled where I did; might have been 2 years. I don't [illegible].
Q There was Duncan living then? A I couldn't say [illegible].
Q Was he still clerk of this Court? A No sir, not [illegible] money was paid; that is, when Carp Taylor said he paid it.
Q You did send Carp Taylor some money? A I sent some [illegible] for Joel Bryant.
Q You knew Joel Bryant's address didn't you? A No, I don't know that I did, No I didn't send Carp Taylor any money, I gave it to him.
Q How much did you give him? A One hundred dollars.
Q When? A Right at that time; he claimed it from me as soon as we got our papers; he come onto me and demanded it for Bryant.
Q You never sent him any then after that? A No sir.
Q Did you ever see Bryant after that? A Yes sir.
Q How long after that? A I don't know, a year or two afterwards. A year I believe, my brother wrote, I wrote to my brother about paying Carp Taylor money and he went over my brother about it and he never paid him until we moved out to this country.
Q After all that you got him to attend to your uncle Jim Dawson's and the other relatives cases? A The other parties did.

BY MR. McKENNON:

Applicants object to all that part of the witness' evidence in response to interrogatories by [illegible] tatives of the Cherokee Nation which relates to the [illegible] matter of the evidence upon which the judgments admitting [illegible] bers of the James and Robert Dawson families were rendered, and to the history of the members of the Dawson family, because [illegible] is immaterial, incompetent and irrelevant.

BY MR. McKENNON:

Q One question I omitted to ask you Mr. Dawson, as to the Court at the time the judgment admitting Robert Dawson's family was rendered, who of the judges were present on that day? A They was all three of them, Wolfe, Benge and Thompson.
Q Are you positive of that fact? A Yes sir.
Q You do not know this Andrew Dawson family who applied to the Dawes Commission for Cherokee citizenship, and who stated that they are cousins of some members of your family? A Andrew?
Q Andrew J. Dawson, who claims to be from Missouri? A How was the question?
Q You do not know them do you? A I don't know that they are any kin to me.
Q You don't know that they are related to you at all? A No sir.
Q This Mary Dawson case, do you know the members of that family? A No sir, I don't.
Q Don't know who they are? A No sir.
Q The Rebecca Dawson case? A I don't know her either.
Q You don't know whether they are related to you or not? A No sir.
Q If any of these persons are related to you or your family did you have any knowledge of it? A Not as I know of.

Q Joanna Barber, do you know anything about them? A They claim to be kin to us.
Q Where are they from? A They are from Texas.
Q Do you know they are related to you? A They claim to be kin.
BY MR. HASTINGS:
Q Well you swore for them before the Commission? A Yes, they claim to be kinfolks of mine.
BY MR. McKENNON:
Q Irene J. House, who is that? A That is a cousin of mine; claims to be.
BY MR. HASTINGS:
Q You testified for her didn't you before the Commission? A I think I did as well as I remember.
BY MR. McKENNON:
Q Before the Court that admitted James Dawson and family, who were the witnesses there? A Oliver Miller, from Kemyville, Arkansas.
Q Who were the others? A Myself and J. Dawson and there were two other witnesses, I don't remember who they are.
Q Were they Cherokee citizens and residents of the Cherokee Nation? A Yes sir.
BY MR. HASTINGS:
Q You don't remember their names? A Which?
Q Of these other people who claimed to be citizens of the Cherokee Nation and who were witnesses? A I said about me and J. Dawson was citizens of the Cherokee Nation.
Q You only proved that Jim Dawson was a brother of Robert Dawson before the Court? A Yes sir.
Q And then referred back to the decision in the Court before? A We proved that they were citizens, and he knew my folks before he ever came here.
Q Was he older than Dr. Baker? A About the same age.
Q Why didn't you get Oliver Miller's testimony in the Houses case?
Q He was dead.
Q You and no member of your family in the Irene House case or the Joanna Barber case or any of those cases that were tried before the Dawes Commission in your affidavits ever did reference to the fact that Oliver Miller testified in Jim Dawson's case in '84 did you? A I don't remember about that.
Q You did make reference to the fact that Dr. Baker testified there in '83, didn't you? A I don't remember about that now.
Q You never made reference to any other witness having testified other than Dr. Baker did you? A I don't remember about it now.
BY MR. McKENNON:
Q Now just one other question: All of these papers in the original application and everything, so far as you know, in the James Dawson case, were filed before the Commission which admitted the James Dawson family, are lost or mislaid are they not? A I suppose they are, I don't know, I never saw them.
Q Have you tried to get copies of them? A Yes sir, I tried to get the original papers.

BY COMMISSION: This case is continued until 8:30 a.m., tomorrow morning, March 20th, 1902, it now being the hour for adjournment.

MARCH 20, 1902,- 8:30 A. M.- F. M. DAWSON again on the stand, testifies as follows:
BY MR. McKENNON:
Q Where was your brother Jas. Dawson raised? A In Arkansas.

Q What County? A Carroll.
Q And what town? A Berryville.
Q And Dr. Baker live at Berryville? A Yes sir.
Q Was your brother intimately acquainted with him for any years?
A Yes sir.
Q Did he have his confidence to be acquainted and had him over
the ills of life? A Yes sir.
Q Do you know Josephine Pierce? A Yes sir.
Q Whose daughter was she? A Robert Dawson's.
Q Is she the same identical woman who is called Josie Pierce,
and Josie Dawson? A Yes sir.
Q Is there any other Josie Pierce or Josie Dawson or Josephine
Pierce or Josephine Dawson? A I don't know but of one.
Q She was also called Josephine or Josie Kelly? A Yes, for she
married; her first husband was Pierce.
Q And her second husband A Van Kelly.
Q There was another Josephine Dawson wasn't there, Bill's wife?
A Why they called her Joe, I suppose that's her name, I could
not be positive; that was Bill Dawson's daughter, Arthur Bell's
wife.
Q She is much younger than your sister, Josephine, above mentioned
to? A Yes sir, oh yes.
BY M.R. HUTCHINGS:
Q Where were you born, Mr. Dawson? A Carroll County, Arkansas.
Q You know how old you are? A 42.
Q 42? A I think so.
Q How many older children were there of your father's than
yourself? A Three.
Q Which were they? A E. Dawson, Riley Dawson and James Dawson.
Q You are the fourth child and the fourth boy? A Yes sir, fourth
boy.
Q Where were your father and mother married, do you know, from
family history? A I think it was in Arkansas, I wouldn't be positive,
I think they was.
Q Do you know how long your grandfather lived in Arkansas? A No
sir I don't.
Q Don't know what year he came to Arkansas? A Only from statement.
Q Well what did they say about it? A I think they came there
somewhere in '30.
Q You know whether your father was born in Arkansas? No any
of your grandfather's children were born there? A There was none
of them born in Arkansas according to history and according to what
he always told me, they were born in Tennessee.
Q He came there in '30, and all the other children were born on
the Kiwassa River in Tennessee, before he ever came? A That is
what I think, yes sir. Now I am not positive about that.
They were from Tennessee, but either Dr. Baker lived there or my
folks came from there; I don't know as I remember that I ever heard
my father say where he was born at.
Q In Tennessee somewhere; he said he was a good big boy when he
came to Arkansas? A I don't know, as I ever heard him say.
Q Do you know the difference in the ages of yourself and your
three older brothers? A No I don't.
Q Don't know the time that comes in between you? A No I don't
know that; I think it is about two years though.
Q That would make E. Dawson about eight years older than you,
probably? A Yes sir.

BY MR. McKENNON:
Q Did Josephine Pierce have a daughter who married Mr. Bogle?
A Yes sir.
Q What was her name? A I always knowed her by Dode Pierce; I don't know whether that is her right name or not.
Q What is Bogle's name? A John Bogle.
Q She is the child of Josephine Pierce who married John Bogle?
A Yes sir.
BY MR. HASTINGS:
Q Where did she marry John Bogle? A Near Afton.
Q When? A I douldn't state.
Q About when? A You have got a copy of the marriage license.
Q When did Josephine Pierce come to the Cherokee Nation? A '83.
Q Has she lived here continuously since that time? A Up until her death; she is dead.
Q Any of her children come with her at that time? A Yes sir.
Q And have they lived here continuously since that time? A Yes sir, except Bill Pierce, he went to Colorado and died.

J. C. STARR, being first duly sworn and being examined, testified as follows:
BY MR. McKENNON:
Q Your name is J. C. Starr is it? A Yes sir.
Q Mr. Starr, was that instrument taken by you, or before you? (Showing witness document.)
A Yes sir.
Q Where? A At the residence of S. H. Benge near Fort Gibson.
Q When? A On the 15th day of this Month.
Q What day of the week was that? A On Saturday.
Q Is that the day it was taken? A Yes sir.
Q Did you go there on Saturday to take this? A Yes sir.
Q Then when Judge Benge stated on Tuesday that it was taken "yesterday" meaning Monday, the 17th, he was mistaken, was he?
A It was taken Saturday, the 15th.
Q Was he mistaken or not? A It was not taken then.
Q Then his statement made on Tuesday the 18th that it was taken on "yesterday", meaning Monday, the 17th, was not correct, was it?
A I think not, because I was there, and it was taken on the 15th.
Q And it was taken on the 15th, you are positive it was taken on the 15th? A Yes sir.

Q Then of course his statement could not be correct? A I guess not.
BY MR. HASTINGS:
Q He was just mistaken about the date, wasn't he? A Yes sir.
BY MR. McKENNON:
Q Did you tell Charles T. Moore who is now present, on last Tuesday that they sent you out there on Monday to take that? A No sir.
BY MR. HASTINGS:
Q I sent you there last Saturday? A Yes sir.
Q And you went there at my direction, didn't you? A Yes sir, and come back Saturday night.

ROBERT L. DAWSON, being first duly sworn, and being examined testified as follows:
BY MR. McKENNON:
Q What is your name? A My name is Robert L. Dawson.
Q What is your age? A My age is something close to 30 years old, I am 28 past.

Q Are you a son of E. M. Dawson, commonly known as Buck Dawson?
A Yes sir.
Q I will ask you if you will examine this letter sent with the enclosure and state whether or not you found that among the papers of your father after his death? A (Hands letter to witness who examines it) A Yes sir, I found this amongst the papers of my father. He always kept all his own papers, and me looking over them I saw this letter.
Q Has that been in your custody ever since you found it? A Yes sir, if that's the letter that was in the envelope.
Q Well that's what it is, you can tell whether it is or not. (Witness further examines letter) Q That purports to be a letter from Samuel H. Benge, does it not, to your father? A Yes sir. (Here applicants' attorney hands letter and envelope referred to to attorneys for Cherokee Nation.)

BY MR. McKENNON: I want to offer this letter in evidence in this case; it is a letter signed by S. H. Benge, attorney at law, dated Fort Gibson, C. N., Jan. 13, 1883. Addressed to Mr. E. Dawson, Esq., together with the envelope, in which it was enclosed, with the card of C. H. Taylor upon it, Attorney at Law, Tahlequah, Indian Territory, and postmarked Tahlequah, Ind. T., January 17.

BY MR. HUTCHINGS: The Nation objects to the introduction of this letter for the reason that S. H. Benge is living and has testified in this case, and his handwriting should be either proven or denied by himself.

G. W. BENGE, being first duly sworn, and being examined, testified as follows:
BY MR. McKENNON:
Q What is your name? A G. W. Benge.
Q Are you a son of Samuel H. Benge? A Yes sir.
Q Do youknow his handwriting? A I believe so.
Q Is that his handwriting? (Shows witness letter before referred to.) A Yes sir, it is either his or a resemblance of his.
Q To the best of your knowledge and belief is that his letter?
A Yes sir.

BY MR. McKENNON: Now we offer it in evidence.

BY COMMISSION: (Reading letter)

"Fort Gibson, C. N.,
Jan 13th, 1883.

Mr. E. Dawson, Esq.,

Dear Sir:- I write this note to inform you that your case came off before the Court on Citizenship on the 11th inst, and was decided in your favor, so you all are citizens of this Nation. F. M. Dawson was furnished with a copy of the decision at the court. He will write to you allso. You will please send me fifty dollars as my fee in your case according to contract. Send it to Fort Gibson, Cherokee Nation.

Respecfelly yours,
S. H. Benge,
Attorney at law."

Enclosed in envelope, as follows:
Card in upper corner, left hand:
"Return in ten days to C. H. Taylor,
Attorney at Law,
Tahlequah, Ind. Ter."
Addressed: "Mr. E. Dawson,

Henryetta,
Clay Co., Texas."

Post-marked: " Tahlequah, Jan 17 Ind T."

ROBERT L. DAWSON, -re-called and further examined, testified as follows:

BY MR. McKENNON:

Q Now examine that and see if that is also a paper which you found among your father's papers after his death? (Hands papers to witness) A That is the same letter that I found.

Q Among the same that you found the Benge letter? A Yes sir.

BY MR. McKENNON: This is a letter purporting to have been written by J. M. Bryan, to R. Dawson, dated at Chouteau Station, Cherokee Nation, and not dated, which we offer in evidence. (Applicants' attorney hands said paper to Nation's attorneys.)

Q Mr. Bryan is dead is he not? A I think so.

BY MR. HUTCHINGS: We have no objection.

BY COMMISSION: (reads letter)

"Chouteau Station, Cherokee Nation.
I. T., M. K. & T. R. R.

MR. Dawson:

Dear Sir:-

I am in receipt of your favor of the 30th inst in regard to our contract.

After I had got the claim so there would be little more to do I employed Campbell Taylor to answer for me when the case came up, for which I was to pay him $50 out of my fee.

This all the action I had in the matter with Taylor.

I saw Taylor in Washington last month, and he told me that your brother had made another contract with him, and paid him, or that you was to pay him $100- and that you had offered him a check on some bank in Texas.

That $100- matter with Taylor, I have nothing to do with, nor couldn't have if I wanted to.

I hope Mr. Dawson this letter will explain the matter fully.

And I am satisfied that you are apprised of the earnest work I done for you, Please write to me.

Very respectfully,
Very truly,
J. M. Bryan."

Q I will ask you if you know of your father having paid Bryan that money? A Yes sir, paid him a horse and some other money.

BY MR. HUTCHINGS:

Q How old was your father when he died? A Me, I don't know whether I know his age or not.

Q If you don't know you can't say? A I wouldn't have no reason to know his age; never asked him his age; of course I guess my father knows.

Q Never had occasion to talk about his age at all? A Oh I have heard him speaking of his age at different times, but then I never paid enough attention to it.

Gid Graham, being first duly sworn and being examined testified as follows:

BY MR. McKENNON:

Q What is your name? A Gid Graham.

Q How old are you? A Mr. Graham? A I am 35 years old.
Q How long have you been living in the Territory? A I came out here in 1887 or '88.
Q To the Cherokee Nation? A Yes sir.
Q How long have you been living in the Cherokee Nation, what year was that '87 or '8? A Yes sir.
Q Have you resided here continuously from that time ever since in the Territory? A Yes sir.
Q How long did you live in the Cherokee Nation? A About 6 years.
Q Where did you go then? A Wagoner.
Q In the Creek Nation? A Yes sir.
Q And been residing there ever since? A Yes sir.
Q In business? A Yes sir.
Q Have you all the while been recognized as a citizen of the Cherokee Nation? A Yes sir.
Q Mr. Graham, do you know Judge Samuel H. Benge? A Yes sir.
Q Did you have a conversation with him in Fort Gibson about September of 1900? A Well as to the exact time I couldn't say, it was sometime about the time that the Dawes Commission were at Sallisaw, or possibly a little later, somewhere about there.
Q Taking the census of the Cherokees? A Yes sir.
Q At that time had the question of the validity of the judgment of the Cherokee citizenship commission admitting Robert Dawson and family been called in question? A Yes sir.
Q Did you talk to him about the facts concerning the obtaining of that judgment? A I did.
Q What did he tell you about it; well I will just ask you, did he then and there tell you that that judgment was regular and all right nothing wrong with it? A He did.

BY MR. HUTCHINGS:

Q You were looking around for testimony at that time, Mr. Graham, were you? A How was that?
Q You were looking around for testimony at that time, expecting this case to be questioned? A Since the validity of that judgment had been attacked by the authorities of the Cherokee Nation, I thought it was well to look into the matter.
Q And he told you the judgment was all right? A Having known that Mr. Benge was connected with the case, I saw him in Fort Gibson, subsequent to that time and asked him about it, if there was anything wrong about the matter, and also that I might want his affidavit concerning the matter, and I also I think maybe wrote to him; possibly prior to that, I am not sure as to the writing, but I think possibly I did.
Q Did he tell you he would make an affidavit? A I don't think at that time that I asked him for an affidavit. I thought as he lived right near here I would use him in person; he assured me that everything was all right.
Q Your mother was Missouri Dawson was not she? A Yes sir.
Q Her name was Missouri Graham when she was re-admitted to citizenship? A Yes sir.
Q And was not Missouri Dawson as named in that judgment? A Yes sir.
Q Do you know whether the other children named in there had married and changed their names also at the time they were admitted? A There were not any of them married.
Q Ella Dawson was your aunt? A Yes sir.
Q Was she married at that time? In 1883? A Yes sir.
Q Melvina Dawson, was she married at that time? A Yes sir.
Q And the fourth one you have mentioned, Missouri Dawson, was your mother? A Yes sir.

Q Can you give us the exact date of your birth? A Yes sir.
Q Do so, please? A January 21, 1867.
Q And you came to the Territory when? A In 1887 or 1888.
Q You can't make that any more definite? A Well sir, it has been a good while ago, and I didn't have anything to cause me to.
Q Well I just want to know whether you did have or not? A No sir.
Q When were you married? A 1886.
Q You were married prior to coming here? A Yes sir.
Q Your first child born away from her? A Yes sir.
Q What is its name? A John W.
Q '86 you were married, and he was born about the spring of '87? A Somewhere in 1887, I don't remember.
Q Prior to your coming here? A Yes sir.
Q That is the only child you had that was born away from here? A No sir, Julius.
Q Julius was not born in the Territory? A No sir.
Q And prior to the time of your removing to the Territory? A Yes sir.
Q These are the only children born out? A Yes sir.

BY MR. McKENNON:

Q Do you know Campbell Taylor? A Yes sir.
Q I will ask you if about February 1901, he came to Wagoner, and sent his son to have you come to the hotel at night where he was, and if he then and there said to you "You people are on the doubtful list, and if you will give me five hundred dollars I will make it all right and see that you are enrolled, and if you don't I will see that you don't get on".? A Well now as to the first part of thatquestion, where you say he sent his son; that is an error; I don't know whether he came to my house or sent some one; when I returned home that evening my wife told me there was some one there to see me, and was at the city hotel at Wagoner, and said come down and see him; I went down there; I never had met Taylor; he introduced himself to me and stated what his business was; asked me if I was on the doubtful list; etc., to which I replied that we were; he asked me if I didn't want to employ him, stating that if we would give him, our family would give him five hundred dollars he would see that we were placed on the rolls all right, but if we refused to give him five hundred dollars that he would use his influence against us and see that we were rejected.
Q You never had met him before, or had any communication with him? A I never met him before; as to the communication, I may have written him something about his affidavit as to the validity of that judgment, I can't say as to that. He said in his testimony that I did; I don't know whether I did or not now.

BY MR. HUTCHINGS:

Q You knew he was the attorney in the case, originally? A After looking at the records I did.
Q I mean you knew it at the time you wrote to him about the affidavit; that was the reason why you thought he would know something? A Certainly.
Q He never told you he was going to swear against you or threatened to tell anything that was not true? A He just simply said unless we gave him that five hundred dollars he would see we were all put off the rolls.
Q Said he would use his influence against you, that is what he said? A Yes sir.

BY MR. HASTINGS:
Q You don't deny writing to him then for the affidavit? A I don't say I did or I did not; I neither affirm it or deny the question.
Q You went to Captain Benge and also wrote him with reference to what he knew about the case? A I don't say whether I wrote him or not, I said I was under the impression I wrote him so.
Q You went to see Aaron Butler, who was interpreter before that court that admitted you? A Yes sir.
Q And you went with Aaron Butler to see Jr. Smith, attorney before that court? A Yes sir.
Q And you either wrote or went to see everybody you knew of that was before that court then? A Yes sir.
Q That shows you used considerable activity? A Yes sir, I used such activity as was to my interest.
BY MR. McKENNON:
Q That was all after the representatives of the Cherokee Nation objected to the enrollment of the Dawson family and by reason thereof such as had appeared before the Commission had been placed upon a doubtful card? A Yes sir.
Q Then you began to look up the evidence and see what there was in it? A Yes sir.
Q As Mr. Hastings has stated? A That's right.
BY MR. McKENNON:
Q You are a grandson of James Dawson? A Yes sir.
Q The old gentleman? A Yes sir.
Q About what was his age when he was admitted to citizenship in the Cherokee Nation, in 1884, wasn't it? A Yes sir, well I can't be exact as to that.
Q Well as nearly as you can? A He was somewhere about 70 or 72, years of age.
Q Well what other James Dawson did you know belonging to the families, either one of these families, Robert Dawson family or the James Dawson family? A I never knew of but two James Dawsons.
Q Who were the others? A Dr. James R. Dawson, who is present and standing right here; my grandfather, James Dawson.
Q Was there in '84 any James R. Dawson 35 or 40 or 45 years old, that you know of, belonging to either one of these families?
A No sir.
Q Do you know how old Dr. James R. Dawson was that that time?
A James Dawson? Q No I am speaking of Dr. James R. Dawson? A Oh, how old he was, no sir, I do not.
BY MR. HUTCHINGS:
Q Do you know who was here attending to your mother's citizenship case at that time, at the time they were admitted? A Yes sir, James Low and Bill Jackson, son of Ellen Jackson.
Q Who was W. A. Dawson? A That is Wilburn, my uncle.
Q Was he here? A I don't know sir.
Q You were not here any of the time? A No sir.
Q You knew your grandfather then, you had lived in the same neighborhood with him? A Yes sir, I know him well.
Q He didn't die for a year or two after that did he? A After when, Mr. Hutchings?
Q After his admission to citizenship? A No sir, he didn't die I think until '91 or '90, several years after.
Q Very old man when he died? A Yes sir.
BY MR. McKENNON:
Q About what age? A He was approximately 80 years old.
BY MR. HUTCHINGS:
Q When he died? A Yes sir.

BY MR. HASTINGS:
Q That about 1891? A I think so, yes sir.
BY MR. McKENNON:

Applicants object to the testimony of the witness elicited by interrogatories of Counsel for the Cherokee Nation relating to his family, their history, &c, as being irrelevant, irrelevant and incompetent.

James R. Dawson, being first duly sworn, and being examined, testified as follows:
BY MR. McKENNON:
Q Your name is James R. Dawson? A Yes sir.
Q Where do you live? A Afton, Indian Territory.
Q What is your age? A 45.
Q You are a physician are you not? A Yes sir.
Q Was James Dawson, whose family was admitted in 1884, a child of years? A Yes sir.
Q Do you know what his age was at that time? A No sir, I do not, only approximately.
Q State as nearly as you can? A At the time of theadmission?
Q Yes sir? A About 70, I don't know exactly.
Q How old was he when he died? A I would suppose he was about 78.
Q What was your age in 1884? A I am 45.
Q What year were you born, Doctor? A I was born in '58.
Q Must have been '58? A Yes sir, that's right.
Q What was your age then? A In '84?
Q Yes sir? A About 28.
Q Were you present at the time that James Dawson family was admitted, or at any time while their case was pending before the Cherokee citizenship commission? A Not while the James Dawson case was, no sir.
Q You were present during your father's case? A I was there at the time.
Q When was that? A The dates I dont remember; when the case first came up, I didnt remember the exact date.
Q How long were you there? A I was there about a week.
Q Was that when it first came up you say? A Yes sir.
Q Nothing was done? A No sir.
BY MR. HUTCHINGS:
Q You never saw Dr. Baker? A Yes sir.
Q Did he and your uncle Jimmie use to talk about how they played together when they were boys? A My uncle Jim and Dr. Baker talk?
Q Yes? A I never saw that together.
Q They were about the same age? A Yes sir, I believe Dr. Baker was 15 years older probably.
Q Dr. Baker must have been mistaken about his own age? A Guessing, that's all I know about his age.
Q The Doctor had been paralyzed, rather a decrepit looking man at the time he was over here at this citizenship business? A No sir, not as I know anything about.
Q He was near about 70 then? A I couldn't tell you, he was an old looking man.
Q Your uncle Jimmie was about 70? A Yes sir.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

W. W. HASTINGS, being first duly sworn, and being examined testified as follows:
BY MR. HUTCHINGS:
Q State your name? A W. W. Hastings.
Q Residence? A Tahlequah, age 35.
Q You are attorney for the Cherokee Nation in the general preparation of these cases? A Yes sir.
Q Just state how it happened that you summoned Mr. Campbell Taylor, and what occurred between you with reference to his testimony?
A Well there had been some talk, as the testimony here indicates, that there was perhaps fraud in the admission of this family, and by agreement with counsel on the other side, and the Commission, this case was set for the 17th day of March, and some short time prior to that, as the attorney for the Nation I began to make some preparation or inquiry into the case, and I wrote a great many letters around to different people and among them I wrote C. H. Taylor to come down here. I don't think in that letter that I told him what I wanted with him. I don't think I told him the case that I wanted him to testify in; that is my recollection now. Mr. Taylor prior to that time, neither directly nor indirectly, so far as I know, ever gave me any information voluntarily against this family, or ever said anything that would lead me to believe that he knew anything of a fraudulent character connected with it. But I summonsed him; perhaps the fact that I knew he had been connected with them in some way and that I perhaps also would get some information from him. Well he came in response to a letter that I wrote, and I took him up to my office. I talked to him quite a long while. He was exceedingly reluctant about giving any testimony whatever, he told me first and last that he didn't intend to testify before the Commission. He told me he had been attorney for these people, and he didn't believe he could be compelled to testify, and that is he was put upon the stand he would claim that privilege, and he didn't believe I could force him to testify. I talked to him at some considerable length; I asked him what he knew about it; of course he for a long time declined to tell me; and what information I did get from him was by piecemeal. He was exceedingly reluctant all through the interview to give any information. I asked him finally though that if the Court compelled him to testify when he got before the Commission, if he would tell the facts about it, and he said that he would. I told him then that I would subpoena him.
Well we talked quite a good while and finally after always telling me that he intended to claim that privilege, and never wanting to testify, he detailed to me the facts just as he told them on the stand; I don't believe there is the slightest variation, except that he perhaps was not so full at that time and it was told by piecemeal, but I got all those facts out of him, or very nearly all those facts out of him. He may have elaborated a little more here by examination; but he never voluntarily gave me any information at all, either directly or so far as I know indirectly. I don't think he sent any one to me. I got his name because I heard he was connected with the case, and perhaps knew something about it, like I did a great many other people, some of whom I didn't bring, because they didn't know what I supposed they did know about the case.

With reference to S. H. Benge, I want to state that he never voluntarily gave me any information at all about this case, nor did I know that he knew anything in connection with this case until I sent J. C. Starr over to S. H. Benge's place to take his affidavit on Saturday, March 15, in the W. H. and J. T. Shoemake case, and their descendants. I had heard that Mr. Benge knew some important facts in connection with the Shoemake case and I sent him over there then to take that affidavit; and when Mr. Starr came back he told me that he knew some facts also in connection with these other cases, and I was surprised to find he had instead of one affidavit, in the Shoemake case, that he also had another affidavit, in the Dawson case. That is the first information I had that Mr. Benge knew anything whatever in connection with the Dawson case, and therefore he never voluntarily, either directly or indirectly gave any information prior to that time to me.

I impressed upon Mr. Taylor that the Nation only wanted the absolute truth in this matter; that it was not seeking anything else but the truth, and didn't want him to tell anything else but the truth.

I want to say again that after he was on the stand and left that evening, and after Captain McKennon, or counsel for the family, had indicated his willingness for Mr. Taylor to testify, that he went over all of these facts that he testified to on the stand subsequent to that time in the presence of J. C. Starr in my office. I simply wanted to go on the stand for the purpose of showing that Mr. Taylor hadn't voluntarily given me any information, and I make this statement for that purpose.

BY MR. McKENNON:

Q You had no power to compel him to give you any information at that time at all did you? A No sir, none other than the persuation that I brought to use.

Q He therefore did it simply upon your persuation? A Yes sir.

Q You knew he had been acting as attorney for these parties?

A Yes sir, I had seen from the record that he had done.

Q And he told you so? A Yes sir.

BY COMMISSION: The attorneys for the applicant and the representatives of the Cherokee Nation will be granted thirty days from the receipt of the transcript in this case in which to file a brief in this case with the Commission.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) M. D. Green.

I, Arthur C. Evans, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the foregoing, and that the same is a true and complete copy of the original.

Arthur C. Evans

Subscribed and sworn to before me this 18th day of December, 1902.

B. O. Jones
Notary Public.

COPY.

Cherokee D-324--

Muskogee, Indian Territory, February 10, 1903.

A. C. McKennon,

Attorney for Francis M. Dawson, et al,

Wewoka, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting the application for the enrollment of Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J.F. Atkins, Francis M. Dawson, Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman, John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles D. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Mariee J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Bogle, James E. Bogle, Edna M. Bogle, John H. Bogle, Marvin R. Bogle, Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence E.

Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Lemine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Mary Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna B. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Vergil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Ralph D. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse E. Graham, Gracie M. Graham, Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John T. Graham, Edna M. Graham, Robert Lee Graham, Joe Willis Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Toshie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox, Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley, Kittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura

Fluornoy, Oscar Fluornoy, Claude Fluornoy, Edna Fluornoy, Finis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Nati Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.

You have heretofore been furnished with a copy of the record of proceedings had in this case.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished both yourself and the principal applicant, by the attorney for the Nation.

The decision, together with the record of proceedings had in this case will be transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

You are requested to forward to the Commission two copies of your printed brief in this case, in order that the same may be included in the record to be forwarded to the Secretary of the Interior

Respectfully,

(Signed) TAMS BIXBY,

Acting Chairman.

Enc. M-45.

Register.

COPY.

Cherokee D.324.

Muskogee, Indian Territory, February 25, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Francis M. Dawson et al., applicants for enrollment as citizens of the Cherokee Nation, including the Commission's decision, dated December 23, 1903, granting said application as to Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman, John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles B. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Mariee J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Bogle, James E.Bogle, Edna D. Bogle, John H. Bogle, Marvin R.Bogle,

Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence E. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Virgil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Laverna A. Painter, Mary E. Graham, Jesse F. Graham, Gracie M. Graham, Florence M. Graham, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willis Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Toshie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox, Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley,

Kittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flourney, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Finis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Fogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson , Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson, and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

(Signed) TAMS BIXBY,

Chairman.

Enc. M-135.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that there has this day been transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, together with the Commission's decision in said case, and the protest of the Cherokee Nation against said decision, dated February 6, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

(Signed) TAMS BIXBY,

Chairman.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1903.

A. S. McKennon,

Attorney for Francis M. Dawson, et al.,

Wewoka, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision in the matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

(Signed) TAMS BIXBY,

Chairman.

(COPY)

D.C.53540-1906.

Y.P.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

December 4, 1906.

I.T.D.7442,7444,
7446,7448,
7450,7452,
7454,7456,
7458,7462,
7464,7466,
7906-1903.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the decision of the Supreme Court of the United States in the case of Daniel Red Bird et al., citizens of the Cherokee Nation by blood, and Francis B. Fite et al., claiming to be entitled to citizenship in the Cherokee Nation by intermarriage, the applications for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (formerly Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, Alonzo M. Fishback, Lizzie Jackson, and George A. Mabry, as cit-

izens by intermarriage of the Cherokee Nation, mentioned in letter of the Commission to the Five Civilized Tribes of February 25, 1903, submitting the record in the consolidated case of Francis M. Dawson et al., are rejected. See eleven departmental letters of March 31, 1904, and letters of April 8 and 13 1904.

The papers still remaining in the Department have been returned this day to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

23 inc. to Ind. Of.

REFER IN REPLY TO THE FOLLOWING:
Cherokee
D 1128.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 19, 1906.

Bessie Graham,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was reversed by the Secretary of the Interior, December 4, 1906, and your application denied.

Respectfully,

W. O. Beall

Acting Commissioner.

LMC

Cherokee
D 324 et al.

Muskogee, Indian Territory, December 19, 1906.

A. S. Mevennon,

Attorney for Katie Dawson,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Katie Dawson, et al., as citizens by intermarriage of the Cherokee Nation, were denied by the Department December 4, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.W-10
S.W.

Cherokee
D 324 et al.

Muskogee, Indian Territory, December 19, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Katie Dawson, et al., as citizens by intermarriage of the Cherokee Nation, were denied by the Secretary of the Interior, December 4, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.W-11
S.W.

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

8211-27

Bessie Graham,

Muskogee, Indian Territory.

Jacket should read Cher D 1128

CHEROKEE D1127

Bessie Graham

CHEROKEE
D1127

April 12, 1904, Mar 1, 3, 4, 508
to Cherokee 10754 and Mar
6 and 7 to R. 904

Copy testimony filed
with the Cherokee Nation

See D 324

Cher D 1129

Cher D 1129

(1. 10119

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 26 1901

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 25th, 1901.

In the matter of the application of Benjamin Strickler for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Strickler being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Benjamin Strickler.
Q How old are you? A 29 years old.
Q What is your post office address? A Peggs.
Q What district do you live in? A Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A I suppose so, I am adopted citizen.
Q You are a citizen by intermarriage? A Yes, sir.
Q Who do you desire to enroll? A Myself and family.
Q How much family have you got? A Wife and three children.
Q What is the name of your wife? A Maggie Downing.
Q When did you marry her? A '93.
Q Have you any certificate of marriage? A Yes, sir.
Q How old is Maggie Downing? A 34 years old.

Com'r Needles:--Applicant presents a duly authenticated marriage license and marriage certificate certifying that he was married to one Miss Maggie Downing, a Cherokee citizen, on the 18th day of July, 1893.

Q What are the names of your children? A Fred.
Q How old is Fred? A Seven years old.
Q Next child? A Alie.
Q How old is Alie? A Four years old.
Q Next child? A Frank.
Q How old is Frank? A Fourteen months.
Q What was her father's name? A Jim Downing.
Q Is he living? A No, sir
Q What was her mother's name? A Eliza.
Q Is she living? A No, sir.
Q Were you ever married before? A No, sir.
Q Are you Maggie Downing's first husband? A No, sir, she had a husband before.
Q What was his name A Dick Crittendon.
Q Is he living? A No, sir
Q Was he living when you mafried her? A Yes, sir.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q Was he ever divorced from her? A Never was married under no law.

BY W. W. HASTINGS, Cherokee Representative:

Q How long did they live together as husband and wife? A I don't know, Mr. Hastings.
Q About how long? A I don't know, they separated when I first knew her.
Q Did you ever hear her say? A No, sir.
Q How old is your wife? A 34 years old.
Q Did she have any children by him? A Had one.
Q How old was it when you married her? A I could not tell you that for sure.
Q About how old? A He must have been eight or nine years old.

BY COMMISSIONER NEEDLES:

Q Is your wife here? A No, sir.
Q What degree of blood has your wife? A Quarter breed I think is what they claim.

Benjamin Strickler)--2.

Applicant: My wife has been married before to a man by the name of Tayler. She told me before I left home that Downing was the only name she ever rejestered under.

Tribal rolls of citizens of the Cherokee Nation examined and applicants' names found thereon as follows:
1880 Authenticated Roll, page753, #589, James Downing, Tahlequah district.
1896 Census Roll; page 1247, #3183, Maggie Strickler, Tahlequah district.
1896 Census Roll; page 1289, #247, Ben Strickler, Tahlequah district.
1896 Census Roll; page 1247, #3184, Fred Strickler, Tahlequah district.
1896 Census Roll; page 1247, #3185, Ailey Strickler, Tahlequah district.

Q What degree of blood has Maggie Downing, your wife? A Quarter blood.
Q How long has she lived in the Cherokee Nation? A Born and raised in the Cherokee Nation.
Q Have you lived with her continuously since you married her?
A Yes, sir.
Q Living with her now? A Yes, sir.
Q You say she was married previously to one Dick Crittendon?
A Yes, sir.
Q You do not know whether she ever got a divorce or not?
A She was never married under no law at all.

BY J. L. BAUGH, Cherokee Representative:

Q You never heard whether they called her Sissy did you or not?
A Yes, sir, t hey called her Sissy but that is a nickname

1880 Authenticated Roll; page 752, #542, Sissy Downing, Tahlequah district.

By Commissioner Needles:--

Q You say she is called Sissy? A Yes, but her right name is Maggie.

Com'r Needles:--The name of Benjamin Strickler appears upon the census Roll of 1896. He presents satisfactory proof of his marriage to one Maggie Downing, a Cherokee citizen by blood, in the year 1893, and the name of Mary Downing is found upon the census roll of 1896 as Maggie Stickler, her present name. The names of her two children, Fred and Alie, are found upon the census Roll of 1896, and he presents satisfactory proof of birth as to a younger child, Frank. The name of Maggie Downing cannot be found upon the authenticated roll of 1880, but the name of her father, James Downing, is found upon that roll according to the page and number of the roll as indicated in the testimony. Applicant avers that the said Maggie Downing was married to one Dick Crittendon, or lived with said Crittendon as his wife, and avers that there was no legal marriage and no legal divorce between them. Because of the fact that the said Maggie Downing cannot be identified upon the authenticated roll of 1880, and from the further fact that no decree of divorce is presented between herself and her former husband, Dick Crittendon, final judgment as to the enrollment of Benjamin Strickler as a Cherokee citizen by intermarriage, and his wife and children as enumerated herein as Cherokee citizens by blood, will be

suspended and their names will be placed upon a doubtful card.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the t estimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 25th day of February, 1901.

Commissioner.

I, W. N. Sublett an ordained Minister of the Gospel do hereby certify that on the 18th day of July 1893 I joined, in marriage M. Benjamin Nicklason a citizen of the United States, and Miss Maggie Vann a citizen of the Cherokee Nation, agreeable to ~~law~~ and ~~Cherokee~~ custom and laws of the Cherokee Nation.

Given under my hand on this the 18th day of July, A.D. 1893

W. N. Sublett

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 25 1901
ACTING CHAIRMAN

I hereby certify that the above was recorded in the office of ~~the~~ Clerk of Tahlequah District Cherokee Nation, on page ~~of~~ of Book ~~of~~ of Licenses, ~~&~~ issued by me, this Oct 28th 1896.

Chas. Spears
Deputy Clerk
Tahlequah District C.N.

I, W. N. Sullivan an ordained Minister of the Gospel do hereby certify that on the 18th day of July 1893 I joined in marriage M. Benjamin Hicklin a citizen of the United States, and Miss Maggie Hardin a citizen of the Cherokee Nation, agreeable to the mutual consent and the customs and laws of the Cherokee Nation.

Given under my hand on this the 18th day of July A.D. 1893

W. N. Sullivan

I hereby certify that the above was recorded in the office of the Clerk of the Delaware District Court, in Book "A" page 28 on the 28th day of July 1896.

Witness my hand and official seal.

Chas. Spears
Deputy Clerk
Delaware District Court

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 25 1901
ACTING CHAIRMAN

(Copy.)

MARRIAGE LICENSE.

CHEROKEE NATION, Tahlequah DISTRICT.

To any person legally authorized, greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of Marriage between Mr. Bryan Threlkeld a citizen of the United States, and Miss. Maggie Downing a citizen of the Cherokee Nation, and you are required to return this License to me for record within thirty days from the celebration of such Marriage, with a certificate of the same appended thereto and signed by you.

Given under my hand and seal of office, this the 11th day of July 1896.

Ed Triplett

CLERK Illegible DISTRICT.

C10129

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 27 1902

ACTING CHAIRMAN.

Supl.-C.D.#1129.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 20, 1902.

SUPPLEMENTAL in the matter of the enrollment of BENJAMIN STRICKLER, ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered lettered March 1, 1902, that his application for the enrollment of himself and others as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at the offices of the Commission in Muskogee, Indian Territory, on the 20th day of March, 1902, and that on said date he might appear before the Commission either in person or by attorney, when an opportunity would be given him to introduce any further testimony affecting his application. The applicant has this day, the 20th day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---oooOOOooo---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J O Rosson

D. 1129.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 14 1902

Cherokee D 1139

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T. June 7, 1902.

In the matter of the application of Benjamin Strickler, et.al. for enrollment as citizens of the Cherokee Nation.

Supplemental Statement.

An examination of the Cherokee authenticated roll of 1880 shows that Maggie Strickler is identified thereon as Sissy Downing. She appears to have been known by that name, her husband testifying that such was her nick-name. It is considered that Sissy Downing and Maggie Strickler are one and the same person.

Commissioner.

Cherokee
D 1129.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Benjamin Strickler, et. al for enrollment as citizens of the Cherokee Nation.

Muskogee, Indian Ter., June 7, 1902.

Supplemental Statement.

An examination of the Cherokee authenticated roll of 1880 shows that Maggie Strickler is identified thereon as Sissy Downer. She appears to have been known by that name, her husband testifying that such was her nick-name. It is considered that Sissy Down and Maggie Strickler are one and the same person.

I, C. L. Mielenz, a stenographer to the Commission to the Five Civilized Tribes being duly sworn upon his oath states that the foregoing supplemental statement is a true and correct copy of his stenographic notes thereof.

C. L. Mielenz

Subscribed and sworn to before me this 7th day of June, 1902.

Notary Public

Sup'l. D - 1129. J.

Department of the Interior,
Commission to the Five Civilized Tribes,
Peggs, Indian Territory, June 16, 1902.

Supplemental proceedings in the matter of the application for the enrollment of Benjamin Strickler, et al., as citizens, by blood, of the Cherokee Nation:

Maggie Strickler, appearing before the Commission, and being duly sworn and examined, testified, as follows:

Q What is your name? A Maggie Strickler.
Q What is your age? A I don't know my age, I guess at it about 38 years old.
Q What is your post office address? A Wagoner.
Q Have you been enrolled by this Commission as a citizen of the Cherokee Nation? A Yes, Ben went down there and enrolled at Muskogee.
Q Is Ben Strickler your husband? A Yes, sir.
Q Have you got any children? A Yes, sir.
Q What are the names of these children? A Fred, Alie, Frank and Leander. Q
Q Is Frank your oldest child? A Yes, sir.
Q Was he enrolled at the same time you were? A Yes, sir, he went down too.
Q Is Fred a full brother to Alie and Frank? A Yes, sir.
Q Leander wasn't born at the time you were enrolled? A No.
Q Fred was living at the time you were enrolled was he? A Yes, sir.
Q He is living now, is he? A Yes.
Q Fred's name is Fred Strickler, is it? A Fred Strickler.
Q And if he was not enrolled at the time your husband enrolled himself and his family, it was an oversight, was it? A Yes, sir.
Q You have got a child named Fred? A Yes.
Q Always lived with you? A Yes, sir.
Q What was your name in 1880? A Downing.
Q What was your given name.
Q Did you ever go by any other name? A Sissy, that is they way they say it was signed in 1880.
Q Do you know who Red Downing is? A No, I don't know who he is.
Q What district were you living in in 1880? A Tahlequah.

The 1880 authenticated roll of citizens of the Cherokee Nation examined and Maggie Strickler identified thereon, page 752, #542, Tahlequah District, as Sissy Downing, native Cherokee, 18 years of age.

Commission:

This testimony will be filed as supplemental to the application heretofore taken for the enrollment of Benjamin Strickler, et al., Cherokee Card, D - 1129.

***

I, A. R. Chesver, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the testimony and proceedings had in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

A R Chesver

Sworn to and subscribed to before me this 30th day of July, 1902.

Pinckney M. P.

NOV 25 1992

Cherokee D-1122.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 24, 1902.

In the matter of the application of Benjamin Strickler for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Maggie, and children, Fred, Alie, Frank and Leander Strickler, as citizens by blood of the Cherokee Nation: he being sworn and examined by the Commission, testified as follows:

Q What is your name? A Benjamin Strickler.
Q What is your age? A About thirty-two years old.
Q What is your postoffice? A Wagoner.
Q It was Peggs who you applied for enrollment? A Yes sir.
Q Are you the identical Benjamin Strickler who applied to this Commission in February, 1901, for the enrollment of yourself, wife and children as citizens of the Cherokee Nation? A Yes sir.
Q You are a white man? A Yes sir.
Q What is the name of your wife? A Maggie.
Q How old is she? A Thirty-eight years old.
Q When were you married to your wife? A '93, July.
Q Were you married under a Cherokee license? A Yes sir, my certificate is here with the Commission.
Q Were you ever married before you married Maggie? A No sir.
Q Was she ever married before? A Yes sir.
Q What was the name of her first husband? A George Taylor.
Q Was he living or dead when you married her? A He is living yet.
Q Was she divorced from him? A I suppose so; he is married, I never have known anything else.
Q You were required to file with the Commission evidence of your wife's divorce from her former husband? A No sir, I have not.
Q Why not? A I have never gotten on the track of it: she told me there could be no record found of the marriage.
Q Could you find a copy of the record of divorce? A That is the reason why I didn't, I was talking to her about it. She said he applied for a divorce and there was no record found of it.
Q Was he a white man? A Yes sir.
Q Where is he? A He lives at Afton.
Q Has he married again since that time? A Yes sir, and has some grandchildren.
Q Did he marry a Cherokee? A Yes sir, he married a sister to my wife.
Q A sister of Maggie? A Yes sir.
Q Have you and your wife, Maggie, lived together continuously since your marriage? A Yes sir.
Q Were you living together on the first day of September, 1902? A Yes sir.
Q Have you ever separated? A No sir, never been separated.
Q How long have you actually resided in the Indian Territory? A For little over fourteen years in the territory.
Q Have you ever made your home outside of the Indian Territory for the past fourteen years? A No sir, I have lived there ever since.
Q How long had you known your wife prior to your marriage to her? A I had known her two years.
Q Has she lived in the Cherokee Nation continuously since her marriage to you? A Yes sir.
Q You are both living here at the present time A Yes sir.
Q Are these four children, Fred, Alie, Frank and Leander, for whom you applied in February, 1901, living at this time? A Yes sir.
Q Are they living in the Cherokee Nation? A Yessir.
Q Have they always lived here? A Yessir, always lived here.

2-Benjamin Strickler et al.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. L. Rothenberger

Subscribed and sworn to before me this 24th day of November, 1902.

B. O. Jones

Notary Public.

Cherokee D-1129

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Maggie Strickler and her minor children, Fred, Alie, Frank and Leander Strickler as citizens by blood of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on February 25, 1901, Benjamin Strickler appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his wife, Maggie Strickler, and his minor children, Fred, Alie and Frank Strickler as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Peggs, Indian Territory, on June 16, 1902, and at Muskogee, Indian Territory, on October 24, 1902. On July 1, 1902, a birth affidavit was filed for Leander Strickler. Benjamin Strickler is not embraced in this decision and his rights are not passed upon at this time.

The evidence shows that the said Maggie Strickler is a Cherokee Indian, duly identified on the authenticated tribal roll of 1880 and the Cherokee census roll of 1896. Fred, Alie, Frank and Leander Strickler are the children of said Maggie Strickler by Benjamin Strickler. The two older children are identified on the Cherokee census roll of 1896, and Frank and Leander are identified by birth affidavits made a part of this record.

The evidence further shows that Maggie Strickler has resided in the Cherokee Nation all her life, and the residence of her children, being minors, is considered to be established.

It is, therefore, the opinion of the Commission that Maggie Strickler, Fred Strickler, Alie Strickler, Frank Strickler and Leander Strickler should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman,

Commissioner,

Dated at Muskogee, Indian Territory, this DEC 5 1904.

C. R. Breckinridge.
Commissioner.

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5
Benjamin W. Williams	8
Lena Severs	19
Sarah E. McCay	21
Joseph Herberger	23
Laura Henson	43
William W. Barnes	48
Georgia Wood	54
Walter A. Edens	62
Adda B. Ward	69
Samuel G. Victor	73
Sarah M. Thomas	109
William B. Watson	165
William H. Ford	173
Thomas N. Wilson	185
Ulsie Ann Smith	206
Susan M. Perry	208
Gertrude Palone	224
Hugh Willis	229
Mary A. Wilkie	248
John W. Thurman	253
Scott Harless	294
Emma Phillips	307
John Whisenhunt	350
Tilman Chance	373
Thomas A. Sheffield	384
Vester C. Martin	388
William Grigsby	417
William J. Largen	508
Joseph P. Willis	584
James T. Miller	598
George A. Waters	632
Jenette Messer	666
Joseph A. Patton	679
Benjamin G. Holland	763
William Gordon	798
Maggie Patterson	804
Martha M. Bruner	832
Emma Morris	842
Susie Fivekiller	857
John F. Carden	861
William H. Burrow	967

Mary Pettit	977
Bettie Mitchell	985
John J Harrison	993
Jasper N Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E Hair	1090
Norman S Drake	1092
Susan Hogg	1094
David L Scott	1099
James C. Taylor	1111
Roxie Shepard	1128
Robert G. Elgin	1136
William Hall	1137
Mary Ella Lattimore	1141
Maggie J. Keys	1149
Joseph M. Correll	1177
Jane Ratley	1225
George E. Norton	1234
Mahala D. Thompson	1247
Charles M. Trammel	1264
Flora Carlile	1265
William H. Norrid	1275
Olivia Benge	1276
Dollie Wilson	1278
Moses Bell	1279
Sarah Fleetwood	1290
Rosa E. Fargo	1299
William M. Oliver	1333
Andrew J. Couch	1340
Lina Hyles	1347
Mary M. Miller	1350
Mary E. Taylor	1368
Polly Ann Benge	1369
Margaret Moton	1385
Minnie McKinney	1390
Nettie Seabolt	1418
Lawrence G. Faulkner	1433
Sarah A Holt	1449
Jennette Polecat	1492
Ellen Seabolt	1508
Charles W. Nettles	1509
Lena Sittingdown	1511
Tim Creeden	1513
Odie Pidcock	1517
Silas A Saterfield	1529
Laura J. Jeremiah	1530
Etta Hicks	1540
Mary A. B. McKinney	1550
Millie Morton	1554
Andrew Walters	1573
John H Holder	1610
Mary M Burr	1612
Thomas E Bonham	1644
Florence Headrick	1663
Daisy B Brewer	1709
Annie Cordrey	1717
Adam Eckert	1722
Isaac Timmons	1726
Gent Gibson	1727
Amos Anderson	1731
William J. Mounts	1734
James D. Alexander	1745
Willis E Miles	1769
Lora Adair	1781
John Yarborough	1796
Lillie M. Dassler	1802
Bryant C. Redington	1804
Malisa A Maxwell	1808
Richard Dukes	1811
Fannie Pettit	1816
Genevia Pool	1817
Mollie Crossland	1822
Lizzie Benge	1828
John H. Welty	1847
Edward P. White	1884
Lauren P. Green	1887
Charles Rosser	1898
Fay Adair	1913
Henrietta Irving	1920
Bird Trippard	1925
John C. Carlile	1937
John W. Gilstrap	1954
Sarah Young	2018
Nancy A. Coleman	2049
James N. Whisenhunt	2118
Hiram Stephens	2157
Asa L. Guinn	2159
Rebecca J Flying	2172
Thomas J Measles	2192
Julia Coody	2215
Sarah Crutchfield	2224
Henry E. Lee	2251
Sarah Gritts	2256
John A. Madden	2261
Henry C Pennel	2271
Matilda S Cleland	2302
Dona A. Frazier	2312
Laura B. Cordrey	2320

Lafayett D Kindred	2328
Pearl V Sisson	2339
Nancy J Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
William T Jones	2501
Sarah L Martin	2502
William J. Shoemaker	2506
Maud Baldridge	2511
James L. Townsend	2513
George L. Morgan	2568
Andrew A. Brown	2575
Louis K. Fair	2623
James L. Mitchell	2644
Martha E McNair	2659
Millard F. Eggleson	2668
Elisha M. Gray	2686
Jessie M. Ballard	2694
Annie Mayes	2798
Belle Sixkiller	2809
James P. Riley	2825
William Broaddus	2854
William A. Martin	2865
Joseph Q. Buchanan	2888
Marcellus L. Baker	2905
Etta M. Hill	2915
John R. Smith	2922
Ira W. Wallen	2926
John B. Laurence	2959
Lula O. Hitchcock	2961
Bell L. Muskrat	2975
Eliza O'Field	2977
Margaret Suagee	2993
Winfield S. Nance	3007
Benjamin F. Kelley	3010
Mollie Daugherty	3039
Charles H. Leatherman	3043
Alice A. Edwards	3100
Dorinda Adair	3106
William R. Gray	3118
Dora B. Caulk	3143
Jesse M. Gallman	3161
Martha E. Garrett	3162
Artie E. Large	3164
Andrew A. Kelley	3191
Anna B Ryne	3193
Eliza Henderson	3198
David E. Jenkins	3212
Lizzie Falling	3233
Robert L. Payne	3252
William A J. Trotter	3257
Albert P Goforth	3298
Anna B Martin	3307
William Brown	3344
Jennie B Bluejacket	3345
William Little	3377
Juha M A. Russell	3386
Andrew J Smith	3393
William N Blakemore	3396
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Thomas S. Heady	3437
William M Roseborough	3444
Madison G. Hawkins	3467
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Emma McAffrey	3543
William T. Huitt	3570
Myra F. Chouteau	3580
Phillip Donohoo	3581
Fred L. Kelley	3593
Annie Herod	3594
Maggie V. Fields	3615
Lou Payne	3616
Frederick W. Strout	3692
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Minnie M. McLaughlin	3950
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Wilbert H. Parkison	3999
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Elizabeth Riley	4428
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Anderson Keen	4450
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Hannah Randall	4528
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Nannie B. Riley	4543
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Ada Chouteau	4549
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Ota Armstrong	4593
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Ella Cornwell	9598
Asa A. Hedrick	9599
William C. M. Robinson	9600
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Clara V. Ward	10002
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William T. Partin	10011
Nellie Fields	10013
Sarah A. Dawes	10015
Willard E. Hutchins	10016
Jesse Talbert	10020
Julia E. Setser	10021
Amanda E. Howell	10022
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Ida L. White	10026
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America Matoy	D	501
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Wallace Thursday	D	544
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William S. Edwards	D	560
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Eliza Wofford	D	967
Jasper L. Newton	D	971
John N. Gunn	D	974
Hannah Parson	D	989
Nellie C. Helterbrand	D	1003
Thomas J. Welch, Jr.	D	1006
Lizzie Christian	D	1010
George Hazlewood	D	1013
James M. Jones	D	1022
Reuben A. Evans	D	1032
Carrie H. Cobb	D	1049
John M. Burns	D	1069
Sarah E. Henson	D	1083
Laura D. Henson	D	1086
Hettie E. Downing	D	1090
Benjamin F. Crain	D	1099
Benjamin Strickler	D	1129
Nancy Spaniard	D	1130
Annie Wilson	D	1131
Ora H. Maxwell	D	1135
Reuben W. Moore	D	1136
Cora Childs	D	1146
Janie Hughes	D	1179
Francis B. Reid	D	1180
Martha Carey	D	1195
Christina Johnson	D	1199
Louvenia Ironside	D	1208
Martha J. Henson	D	1218
David A. Martin	D	1228
Fred D. McEnery	D	1235
Nathaniel R. Martin	D	1261
James H. Requa	D	1266
Frank Carver	D	1267
Etta B. Payne	D	1270
Mary Garrett	D	1271
Joe W. Goodman	D	1272
Mathew J. Flanigan	D	1274
Lizzie C. Holland	D	1285
Etta Downing	D	1291
William Caywood	D	1296
Clarence W. Turner	D	1307
Alfred Chaney	D	1313
Euphemia Sweetwater	D	1314
Etta Russell	D	1319
Ella Vann	D	1320
Linnie Wofford	D	1330
Minnie Downing	D	1332
Katie Rider	D	1334
Samuel G. Mills	D	1337
Alfred H. Woods	D	1342
Cynthia Whitekiller	D	1352
Susie McSpadden	D	1361
Martha J. Houston	D	1363
Samuel M. Collier	D	1367
Katy Payne	D	1369
Joseph H. Warren	D	1375
Mattie Miller	D	1433
S. F. Moore	D	1434
Addie Schrimsher	D	1448
Fannie Vann	D	1458
Marcella Blakeney	D	1474
G. W. Williamson	D	1555
C. F. Walker	D	1558
Lousa Blevins	D	1567
Frank Cowles	D	1581
Mary Frances Madding	D	1637
Thomas Rodman	D	1661
Katie Still	D	1866
Ira Creach	D	1913
D. A. Mounts	D	1967
J. C. Sefton	D	1991
Jennie Holland	D	2024
Lou Sanders	D	2216
Carolnie Barnes	D	2591
Lacey Crane	D	2592
Daisy Cash	D	2595
Hiram A. Landers	D	2599
Charles Neel	D	2603
Mattie Robinson	D	2605
Jennie Rich	D	2606
Alexander C. Russell	D	2607
Pricilla Ross	D	2608
Tom W. Reeve	D	2609
Mary Stuart	D	2612
Rufus Tidmore	D	2613
Jasper Turquitt	D	2614
Mabel West	D	2618
Ophelia West	D	2619
Cora Whisenhunt	D	2620
Katy Martin	D	2667
Willis Butler	D	2686
Claud Barger	D	2687
Dixie Conner	D	2698
John Culwell	D	2699

Herbert F Couch	D	2700	Samuel A. Parkhurst	D	2821
Albert C Dykes	D	2703	Ellen Rogers	D	2822
Delora Drew	D	2704	Elijah Rolland	D	2827
Frank F Danderson	D	2705	Endora Steele	D	2828
James Gafford	D	2708	William M. Stucker	D	2829
Anna L Harlin	D	2715	Sallie Tauuneacie	D	2831
Wilham R Lipsey	D	2717	Mary Tassle	D	2832
Bertha Landrum	D	2718	John F. Wolf	D	2835
Lila More	D	2722	Ruth A Ward	D	2840
John D Mathews	D	2723	Winnie Daugherty	D	2884
Mary McIntosh	D	2725	Mary Guthrie	D	2885
Bertha Nidiffer	D	2730	Lydia Long	D	2886
Richard Nichols	D	2731	Edda Roberts	D	2887
William S. Ross	D	2738	Manda Ward	D	2889
Irene Riley	D	2739	Elmira J. Alberty	D	2905
William H. Rowley	D	2740	Thomas C. Cordray	D	2906
Colombus C. Scroggins	D	2741	Edward Fowler	D	2907
Della Summers	D	2743	Dora Foreman	D	2908
William S Sage	D	2744	Parker Holt	D	2909
Eliza Thomas	D	2748	John Haston	D	2910
John P. Thurman	D	2749	Georgie Harlin	D	2911
Mary E Davis	D	2770	Percillia Johnson	D	2913
Jessie Frick	D	2774	Bettie Morton	D	2915
Enna Buffington	D	2788	Samantha Spade	D	2917
Will Black	D	2789	Mariah Ward	D	2918
Maggie E Davis	D	2792	Ellen Watt	D	2919
Thomas Dotts	D	2793	Nora Morten	D	2920
William Daws	D	2794	Lizzie Anderson	D	2981
Nancy Dawson	D	2796	Francis Duval	D	2984
Lena Fields	D	2797	Wade S. Hayes	D	2987
Effie Grayham	D	2798	James A. Hankins	D	2988
Alice C. Hill	D	2799	Joseph Hardee	D	2991
Bertha H. Harlin	D	2800	Tennie Horn	D	2992
Margrett C. Hudson	D	2801	Eveline Hall	D	2993
Joseph A. Kelley	D	2803	John E. Leftwich	D	2995
Andrew O Kepler	D	2804	Mattie Henson	D	2994
Josephine King	D	2805	John D. Colvard	D	2998
Sarah Jane Birdsong	D	2806	Charles W. Phillips	D	2999
Marion Maddox	D	2807	Sarah Shanks	D	3000
John A. McKenzie	D	2808	Nettie Young	D	3009
Ione McGee	D	2809	Jerry P. Ables	D	3048
Ollie Miller	D	2810	Almedie Ross	D	3052
Wilham A Martin	D	2811	John S. J Fowler	D	3055
Jesse P. Morrow	D	2812	Leaner Hood	D	3056
Oliver Mason	D	2813	James D Jackson	D	3057
Edna Whitehead	D	2814	Emma G Nelson	D	3058
Charley Nuckolls	D	2815	Alice Sinco	D	3059
Etta M Nidiffer	D	2817	George O Wallace	D	3060
Louizer Ossowee	D	2818	Fannie Clay	D	3078
William H Patterson	D	2820	Ellen Drew	D	3079

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Leha C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied

.....

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

D. .....

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on ..... by delivering a true copy thereof on the .....day of .....A. D. 190...

Given under my hand this..... day of.....A. D. 190 .

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the .....day of ....., 190 .

.....
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

on the ... day of ..... A. D. 190...

Subscribed and sworn to before me this .....

.....
Notary Public.

NOTICE!

IN THE MATTER OF the application of Benjamin Strickler, for enrollment as Cherokee citizens:
Case No. D 1148, 1129

To Benjamin Strickler, Pe[illegible]s, I. T.,

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on March 20, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this March 14, 1902.

W. W. Hastings

Attorneys for the Cherokee Nation.

DR. P. DONOHOO, Prop.

PRESCRIPTIONS A SPECIALTY.

PALACE DRUG STORE.

DRUGS, STATIONERY, WALL PAPER,
PAINTS, OILS, VARNISHES,
CIGARS AND TOBACCO.

TERMS CASH.

AFTON, IND. TER. 190

COMMISSIONERS
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee D-1129.

Muskogee, Indian Territory, December 5, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 5, 1904, granting the application for the enrollment of Maggie, Fred, Alie, Frank and Leander Strickler as citizens by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Chairman.

Incl. S-42.

Muskogee, Indian Territory, December 7, 1906

J. W. Benge,

Attorney for Osie R.Gourd,

Tahlequah , Indian Territory .

Dear Sir:

In reply to your letter of December 1, in reference to the right to enrollment as a citizen of the Cherokee Nation of Benjamin Strickler, under the recent decision of the United States Supreme Court in the case involving the right of intermarried white persons to be enrolled as citizens of the Cherokee Nation, you are advised that as it is understood a motion for review of the Court's decision has been filed, no action will be taken in the cases of intermarried white persons by this office until the Court has issued its mandate in said case.

Respectfully,

L . B

Acting Commissioner

REFER IN REPLY TO THE FOLLOWING

Cher. D 1129

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 10, 1907.

Benjamin Stickler,

Wagoner, Indian Territory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Commissioner.

Incl. Decn. D _____.

Cherokee D1129

Muskogee, Indian Territory, March 14, 1907.

Benjamin Stickler,

Wagoner, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

RPI

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-100
LMC


WAGONER, IND. T.
FEB
15
1907
REGISTERED.

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

WAGONER, IND. T. REGISTERED MAR 25 1907

OFFICIAL BUSINESS PENALTY FOR PRIVATE USE $300

Returned to Writer.

1505

Benjamin Stickler,

[redacted], Indian Territory.

CHEROKEE

D [redacted]
1129

Benjamin Hinkley
et al

CHEROKEE

D 1129

See Cherokee No
10841

Cher D 1130

Cher D 1130

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 26 1901

ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. , February 25th, 1901.

In the matter of the application of William Spaniard for the enrollment of himself, wife and one child, and for the enrollment of his three stepchildren as Cherokee citizens. He being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A William Spaniard.
Q Have you any middle name? A No, sir.
Q What is your age? A 50.
Q What is your post office address? A Sallisaw.
Q What district do you live in? A Sequoyah now.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q Who do you desire to enroll? A Myself and family.
Q Have you a wife? A Yes, sir.
Q How many children? A One of my own and three step-children.
Q What is your wife's name? A Nancy.
Q Is she a Cherokee by blood? A Yes, sir.
Q What was her name when you married her? A Watie, she had been married to Tom Watie.
Q What is her age? A 33.
Q What was her name before she married Watie? A Johnson.
Q That her maiden name? A Yes, sir.
Q What are the names of her children? A Louella.Watie.
Q How old is she? A 15.
Q Next? A Lee Watie.
Q How old? A Seven.
Q Next child? A Kie
Q How old? A Five.
Q What is the name of your child? A Teacher Spaniard.
Q How old? A 13.
Q Just four in all? A Yes, sir.

Upon examination of the 1880 Authenticated Roll of the Cherokee Nation there is found on page 727, #1099, the name of Bill Spaniard in Sequoyah district.

Q What is your wife's father's name? A William Johnson.
Q Do you know who raised your wife? A Yes, sir, her mother.
Q What was her mother's name? A I don't know her name.
Q Do you know whether her mother married any one except Johnson?
A Yes, sir; she lived with a white man at the time she died.
Q

Upon examination of the 1896 Census Roll of the Cherokee Nation there is found on page 1265, #3643, the name of Thomas Watie, in Tahlequah district. On page 903, #1769, there is found the name of William Spandiard, in Illinois district. On page 1291, #289, there is found the name of Nancy Watie, In Tahlequah district. On page 1265, #3644, there is found the name of Ella Watie in Tahlequah district. On page 1266, #3645, there is found t he name of Pearlie Watie, in Tahlequah district. On page 1269, number 3740, there is found the name of Kie Watie, in Tahlequah district. On page 903, #1772, there is found t he name of Teacher Spaniard, in Illinois district.

Q Who is the mother of Teacher? A She was a Boland when I married her.
Q Was she a white woman? A No, sir, full blood.
Q When did she die? A Seven years ago.
Q What was her name in '80, 20 years ago? A Manda Boland.
Q Were you her first husband? A No, sir, second.
Q What was her first husband's name? A I don't know he was a full blood.

Upon an examination of the 1880 Authenticated Roll of the Cherokee Nation there is found on page 717, #1104, the name of Amanda Spaniard, in Sequoyah district.

Q Who was the mother of Louella, Lee and Kie Watie? A Nancy.
Q Who was their father? A Tom Watie.
Q Was he a Cherokee by blood? A Yes, sir.
Q How long has he been dead? A 20 years.
Q Was Tom and Nancy married? A She says they were.
Q They lived together and raised these children? A Yes, sir.
Q What degree of blood have these children? A I would call them three-quarters.
Q Tom Watie was a full blood was he? A Nearly.
Q Did he have any indian name? A Yes, sir, Chescoges (Supposed spelling.)

ZEKE PARRISH, called and sworn as a witness, testified as follows:

Q What is your name? A Zeke Parris.
Q How old are you? A 43.
Q What is your post office address? A Tahlequah.
Q Did you know Tom Watie? A Yes, sir, knew one that died at Tahlequah.
Q What degree of Cherokee blood did he have? A Passed for a full blood.
Q Did you know his wife? A Saw her, didn't know her, said to be one of the Johnson women.
Q This Tom Watie that you knew was reputed to be a full blood Cherokee was he? A Yes, sir.

EXAMINATION OF APPLICANT continued by W. W. Hastings, Cherokee Representative:

Q Where were you born? A Bates Prairie.
Q What was your father's name? A W. M. Spanaird.
Q What was he? A He was a mexican.
Q What was your mother's name? A She was a Beanstick.
Q Was she a Cherokee? A Yes, sir.

BY THE COMMISSION:

Q Have you any certificate of marriage to Nancy? A Yes, sir.
Q She is not your first wife is she? A Third wife.
Q Were your other two wives dead when you married her?
A Yes, sir.
Q Was she ever married before she married you? A Yes, sir, to Tom Watie.
Q Was he alive when you married her? A No, sir.

The Applicant presents a certificate of marriage certifying that he was married to one Nancy Watie according to the laws of the United States on the 10th day of September, 1898.

(Upon examination of the Cherokee Rolls it was found that Nancy Watie, the present wife of this applicant, was there enrolled as an adopted white.)

Q You don't know whether your wife is a Cherokee or white woman then? A No, sir, I married her as a Cherokee.

Commissioner Needles:--The name of William Spaniard appears upon the Authenticated Roll of 1880 as well as the census roll of

William Spaniard--3.

1896; he is duly identified and makes satisfactory proof as to his residence, consequently he will be listed as a Cherokee citizen by blood. He avers and makes satisfactory proof of marriage to one Nancy Watie, formerly Nancy Johnson, in 1898. He avers that said Nancy Watie had three children by a former husband, Tom Watie, named Louella, Lee and Kie Watie and their names appear upon the 1896 census Roll. He avers that the father of said children was Tom Watie, whose name cannot be found on the 1880 Authenticated roll but whose name is found on the 1896 Census Roll according to the page and number of the roll as indicated in the testimony. No satisfactory proof is made as to t he marriage of Tom Watie and Nancy Johnson, but averment is made that they lived together as man and wife and raised a family, and the names of said children, Louella, Lee and Kie, are found on the 1896 Census Roll. Applicant avers that he has one other child named Teacher Spaniard whose name is found on t he 1896 Census Roll. He avers that t he mother of Teacher Spaniard was his former wife, and her name appears on the 1880 Authenticated roll, consequently said Teacher Spaniard will be listed for enrollment as a Cherokee citizen by blood.

Because of the fact of Tom Watie's name not being found on the 1880 Authenticated roll and no satisfactory proof being made as to his citizenship and no satisfactory proof being made as to the marriage between himself (Tom Watie) and his wife, Nancy, the children Louella, Lee and Kie Watie , the averred children of Nancy and Tom Watie, will be placed on a doubtful card as Cherokee citizens by blood and final judgment will be suspended, awaiting proof of citizenship of Tom Watie and proof of marriage between Tom and Nancy Watie. Final judgment as to the enrollment of Nancy Spaniard, t he mother of Louella, Lee and Kie Watie, will be suspended and her name will be placed on a doubtful card as a Cherokee citizen by intermarriage, awaiting proof of her marriage to Tom Watie and proof of citizenship of Tom Watie.

---oooOOOooo---

Chas. von Weise, being sworn, ~~and examined~~ states that as st enographer to the Commission to the Five Civilized Tribes, he correctly recorded the testi mony and proceedings in t his case, and that the foregoing is a true and complete transcript of his st enographic notes thereof.

Chas. von Weise

Subscribed and sworn t o befo re me this 25th day of February, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 25 1901

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION

Date FEB 25 1901 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

33

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age	
Dist.	Year	Page	No.	Age	
Dist.	Year	Page	No.	Age	
Dist.	Year	Page	No.	Age	
Dist.	Year	Page	No.	Age	
Dist.	Year	Page	No.	Age	
Dist.	Year	Page	No.	Age	
Dist.	Year	Page	No.	Age	
Dist.	Year	Page	No.	Age	
Dist.	Year	Page	No.	Age	

Enrolled as Nannie Hatch
" " " Ollie "
" " " Pearlie "
" " " Lee "
Proof of citizenship from Hatch marriage 1901 to former husband.

D 1130

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 13 1901

ACTING CHAIRMAN

wpe

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., November 27,1901.

SUPPLEMENTAL TESTIMONY, in the matter of the enrollment of Nancy Spaniard et al, Cherokee Doubtful 1130.

Appearances:
Applicant present in person.

CHARLEY HUGHES, being sworn and examined testified as follows:
BY COMMISSION:
Q What is your name? A Charley Hughes.
Q How old are you? A 52 I think, sir.
Q What is your post-office address? A Groves.
Q Do you know this Nancy Spaniard who is an applicant before the Commission for enrollment as a citizen of the Cherokee Nation?
A Well,I knew her first husband.
Q What was his name? A Tom Watie.
Q Was he recognized as a citizen of the Cherokee Nation? A Yes sir, he was then.
Q Was he a full-blood? A Yes sir, he was.
Q Had you always known him from his childhood? A No sir.
Q When did you first learn to know him? A I expect it has been about 25 years.
Q Then you knew him before the roll of 1880 was made, that was 21 years ago? A It has been before the 1880 roll was made, it has been about 25
Q You know where he was living at that time? A I think it was down inSequoyah,when he come up there in Saline district where I lived, he was working there for one of his aunts,no, as well as I can tell it his aunt's old man's brother, he was working there at his house
Q What was his name? A Jim Smith.
Q Do you suppose that Tom Watie could have been enrolled under the name of Tom Smith? A I couldn't say; he didn't talk no English then.
Q Are you on the 1880 roll? A Yes sir.
Q Was this man Tom Watie living near you when youapplied for enrollment at that time? A I can't understand very well all the English.
Q When you were enrolled in 1880 was Tom Watie living near you?
A I don't remember about that.
Q Do you know whether Tom Watie was enrolled in 1880? A No sir, I don't know.
Q You never heard him say he was? A No sir.
Q You know he was always recognized as a citizen? A Yes sir.
Q Did you ever hear of his right being disputed? A No sir.
Q Do you know he and Nancy were married? A I never saw them married; I knew him before they were married.
Q How long after they were married before you saw them the first time, do you suppose? A Well I would be afraid to answer that question.
Q Tell just about? A Well I expect,it was about ten years after he left [illegible] up there that I saw him again.
Q And when you saw him then he was living with this woman? A Yes sir.
Q You don't know whether he was ever married to her? A No sir, I don't.
Q How long did he continue to live with this woman, did he live with her until he died? A Yes sir, until he died.
Q That is all you know about the case is it? A Yes sir, that is all I know, and then his aunt living right there close to me.
Q Hispeople had all been recognized citizens had they? A Yes sir.

DAVID M. FAULKNER, being sworn and examined testified as follows:

BY COMMISSION:

Q What is your name? A David M. Faulkner.
Q How old are you? A 60 years old.
Q What is your post-office address? A Hanson, I. T.
Q Were you acquainted with Tom Watie, the former husband of Nancy Spaniard? A Yes sir.
Q Had you known him from his childhood up until his death
A Well I never got acquainted with him till after the late war, that is, to know him.
Q Shortly after the war? A Yes sir.
Q Was he a full blood Cherokee? A Well sir, he was considered a full blood Cherokee. He had always been recognized as such.
Q Had you ever heard his right disputed by any one? A No sir, I never did.
Q Have you any idea why his name cannot be found on the roll of 1880? A No sir, I couldn't say.
Q You didn't know him when he married the applicant did you; he was living nowhere near you? A Why he lived about 15 or 18 miles from where I lived.
Q Did you hear of his marriage at the time it was consummated?
A No sir, but I knowed them to live together as man and wife.
Q For how long a period did you know them to live together as man and wife? A Why it has been about since '85.
Q Do you know that they lived together all the time up until ~~this~~ Tom Watie's death? A Well they lived together down there and they moved here in this country somewhere and I saw him here about two or three years ago, I think it has been about two or three years ago as well as I recollect; any way I saw him here as a witnessbefore the gand jury and I knew him to be the man that lived down there.
Q Was he still living with this woman at that time, did he say?
A No sir, I couldn't say that.
Q They had always been recognized during the time you knew them as husband and wife then? A Yes sir, I think it wasmy father she claims that married them, and he was judge at that time of the district where we lived.
Q You don't know whether or not he ever went by any other name other than Tom Watie do you? A No sir, I don't; that is all the name I knew; he had a brother called John Watie; there was two boys of them.
Q How much older than Tom was John, or was he any older?
A I don't know as I know the differemce in ages.
Q How old a man would Tom Watie be if he were living now? A Well I suppose he would be , just to make a guess at it, about 30 or 35 years old.
Q Then he was quite a boy when the 1880 roll was made? A Yes sir, I suppose so.
Q Was Tom Watie's father living when the 1880 roll was made?
A I don't really know who his father was.
Q Did you know who his mother was? A No sir.
Q Is John Watie dead now? A Yes sir, so I understand, he is dead.
Q Do you know whether John was married or not? A No sir, I don't.
Q What did you say Tom Watie's Indian name was? A Gee-skor-gil.
Q And what would be the English of that name? A Crawfish.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant's husband, Tom Watie, and found on page 676 No.1286 Crawfish Wattie, Saline district, native Cherokee, 22 years old.

Q Mr. Faulkner, do you know the applicant here, Nancy Spaniard, before she married Tom Watie? A No sir.
Q You don't know whether she is recognized as a citizen by blood

or not do you? A No sir.

By Commission: It appears from the testimony in this case that Tom Watie the father of Louella Watie, Lee Watie and Alfred Watie or Kie Watie, is duly identified on the authenticated roll of 1880 as "Crawfish" Wattie, in Saline District, according to page and number of the roll as set forth in the testimony. This testimony will be filed and made a part of the record in the case of Nancy Spaniard, et al., D-1130.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this December 3, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

RECEIVED
DEC 23 1901

ACTING CHAIRMAN

"R"
Cherokee D-1130.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., November 27, 1901.

SUPPLEMENTAL TESTIMONY, in the matter of the application of Nancy Spaniard for enrollment as a Cherokee citizen; being sworn and examined she testified as follows?

BY COMMISSION:

Q What is your name? A Nancy Spaniard.
Q How old are you? A I am about 34 years old.
Q What is your post-office address? A Stilwell.
Q What district in the Cherokee Nation are you living in? A Flint.
Q You apply for enrollment as a Cherokee by blood? A Yes sir.

Q You desire to enroll anyone besides yourself? A I have got three children.
Q Are they all under 21 years of age? A One is six and the other one is eight and the other one 16.
Q How much Cherokee blood do you claim? A I am about one quarter.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Are you living here now? A Yes sir.
Q Have you been outside of the Cherokee Nation within the past four years? A I have been to Fort Smith, and to Uniontown once.
Q For how long at a time? A Just in and out trading at Fort Smith.
Q Have you ever made your home any other place except the Cherokee Nation? A No sir.
Q Have you ever been recognized as a citizen of the Cherokee Nation? A Yes sir.
Q Is your name on any of the tribal rolls? A Yes sir, it is on the 1886 I think.
Q Is that the only one? A No, sir, that's the last, you know we enrolled, besides this last one last year when they were going around taking everybody.
Q What is the name of your father? A Bill Johnson.
Q Is he living or dead? A He is dead.
Q Is your father a Cherokee or a white man? A My father was a white man, my mother was a Cherokee.
Q What is the name of your mother? A Martha Rogers. Before she married my father.
Q Is your mother living? A No sir, she is dead.
Q What is the name of your oldest child? A Ella Watie.
Q How old is she? A 16 years old.
Q What is the name of the next one? A Charley Watie is dead.
Q Next one that is living? A Lee Watie.
Q How old is he? A Eight years old.
Q Next one? A Alfred.
Q How old is Alfred? A He is 6 years old.
Q Is that all of the children? A Yes sir, that's all I have got living.
Q Are these three children living at home with you? A Yes sir.
Q Who is the father of the children? A Tom Watie.
Q Is he living? A No sir, he is dead.
Q Was he a Cherokee? A Yes sir, he was a full blood Cherokee.
Q When were you married to him? A In '84, best I can recollect.
Q Who did you marry after his death? A Bill Spaniard.
Q Is he living? A Yes sir.
Q Is he a Cherokee or a white man? A He is a Cherokee.
Q You say he is living? A Yes sir.
Q Are you living with him? A Yes sir.
Q Why don't you apply for his enrollment? A Why he has done enrolled.
Q He has been enrolled? A Yes sir, he went to Muskogee.
Q What was your name 21 years ago? A It was Johnson.
Q That is when the roll of 1880 was made, is your name on that roll? A Yes sir, it ought to be.
Q Is your name on the 1896 roll? A Yes sir.

Q When were you married to Bill Spaniard? A I was mrried to him three years ago.
Q Then your name in 1896 was Watie was it? A Yes sir.
Q Why did he not apply for your enrollment at that time? A I dont know what is the reason he didn't.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant and name not found.

Q Did you ever apply to the Nationall Council of the Cherokee Nation ~~xxx~~ or the Cherokee Commission on Citizenship for admission to citizenship in the Cherokee Nation? A No sir, I never; my sister I think they throwed her out time they took the census for the Strip payment.
Q Did you ever draw any money from the Tribal authorities? A Yes sir, I drawed the Strip money.
Q How much did you draw at that time? A I drawed 265 dollars. I think.
Q Did you draw that at the time all the others received their money, or afterwards? A At the time.
Q You have already been enrolled; your husband enrolled you. A Well he said he thought he did, but said I had better come and see.
Q Your husband says you are a white woman? A I don't reckon I am, I was raised down there on the river bottom, on the Rogers farm, and John P. Rogers was my grandfather.
Q Well now as a matter of fact you never have been recognized as a citizen by blood, have you? A I reckon I have; that is what I always thought.
Q Who is this child, Kie? A That's Alfred. That is his nick name, we call him Kie.
Q His right name is Alfred? A Yes sir.
Q Have you any evidence of your marriage to Tom Watie? A No, ~~xx~~ Mrs. Fortner is dead. When we went to his house and got married, there wasn't no one there but just his family and the old lady is dead; some of the children is living, and they said they didn't recollect, there has been so many weddings going on thay didn't recollect. Mr. Fortner said we didn't need no certificate.
Q Did you live with him continuously up until he died? A Yes sir.
Q After his death you never lived with any one until you married Bill Spaniard three years ago? A No sir.
Q Did you live with any one prior to his death? A No sir.
Q This Tom Watie, was he ever recognized as a citizen of the Cherokee Nation? A Yes sir, of course he was, all the time.
Q He died in 1884? A No sir, he has been dead four years.
Q Did he draw the Strip money? A Yes sir.
Q Were you living with him at that time? A Yes sir.
Q Did you ever have a child named Pearl? A That is Lee, yes, sir.
Q Were you paid at the same time that your husband and your children were paid? A Yes sir.
Q Why isn't your name on the roll of 1880? A Well I guess it is, if it could be found.
Q Did you ever go by any name other than johnson at that time? A No sir, I always went by my father's name, until I married Tom Watie.
Q Have you any brothers or sisters? A I have got one sister here in town.
Q What is her name? A Mary Miller.
Q Is she your full sister? A Yes sir.
Q Has she been enrolled by this Commission? A No sir, she was throwed out by the Strip payment, I don't know why, and we tried to get her in but we couldn't. They claimed she was my half sister, but she aint, but she is my full sister. She is fair skinned and blue eyed; she looks like a white woman.
Q Did Tom Watie ever go by any other name? A Yes sir, he signs his name Henry; I aimed to bring a paper where he used to trade at Van Buren, but I forgot it, his correct name is Thomas Henry, but

he hardly ever put the Tom down, because he never did like the name Tom. He enrolledup here time they all enrolled in 1896 time they enrolled up here at the court house and down here at Tucker's Springs and all about.
Q Did this Tom Watie have any Indian name that you know of?
A Tee-skaw-gi, but he wouldn't sign it that way I don't reckon.

188 authenticated roll of citizens of the Cherokee Nation examined for applicant and Tom Watie, and names not found.

Q Was Tom Watie ever out of the Cherokee Nation that you know of?
A Not as ever I know of; he couldn't talk enough English to.
Q Was he living here when you married him? A Yes sir, we married down there on Lee's Creek.
Q You never heard of him being called any other name besides Tom Watie or Henry Watie? A No sir.

BY COMMISSION: You will be required, Mrs. Spaniard, to produce further testimony as to your marriage to Tom Watie. In addition to that, you willbe required to show that Tom Watie was a Cherokee by blood and that his name is found on the roll of1880. From the testimony that you have given we cannot identify him on any roll except the census roll of 1896.
This testimony will be filed and made a part of the record in the case of Nancy Spaniard, et al., Cherokee D-1130.

Commission: NancxSpaniard applies for the enrollment of herself and three children Ella, Lee and Alfred Watie, but it appears that from the records of the Commission that her husband, William Spaniard, appeared before the Commission at Muskogee, Indian Territory, on the 25th day of February,1901, and there made application for the enrollment of himself, his son, Teacher Spaniard and his wife Nancy and her three children, Louella, Lee and Kie Watie. The applicant states that the correct name os the child Kie is Alfred, and that she desires him to be so listed for enrollment.

APPLICANT re-called and further examined by Commission,states:
Q When did your father die? A He died the nextyear after the war; he was killed.
Q When did your mother marry ~~afterxthexdeathxofxxxxxfatherxxx~~ Rogers? A That was her maiden name.
Q Did your mother ever marry after the death of your father
A No sir.
Q Did she always go by the name of Johnson? A Yes sir, she might have signed her name Rogers, her maiden name.
Q Did your mother ever have any children besides you and your sister, Mary Miller? A No sir, just had the four; Mary Miller, had one brother and two sisters; my sister what is living here is the oldest and I am the youngest;the two between is both dead.
Q Did your mother ever live in Delaware district A No sir, she lived in Sequoyah.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this December 3,1901.

[signature]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 13 1901

ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., November 27,1901.

SUPPLEMENTAL TESTIMONY, in the matter of the enrollment of Nancy Spaniard et al, Cherokee Doubtful 1130.

Appearances:
Applicant present in person.

CHARLEY HUGHES, being sworn and examined testified as follows:
BY COMMISSION:
Q What is your name? A Charley Hughes.
Q How old are you? A 52 I think, sir.
Q What is your post-office address? A Groves.
Q Do you know this Nancy Spaniard who is an applicant before the Commission for enrollment as a citizen of the Cherokee Nation?
A Well I knew her first husband.
Q What was his name? A Tom Watie.
Q Was he recognized as a citizen of the Cherokee Nation? A Yes sir, he was then.
Q Was he a full-blood? A Yes sir, he was.
Q Had you always known him from his childhood? A No sir.
Q When did you first learn to know him? A I expect it has been about 25 years.
Q Then you knew him before the roll of 1880 was made, that was 21 years ago? A It has been before the 1880 roll was made, it has been about 25.
Q You know where he was living at that time? A I think it was down in Sequoyah, when he come up there in Saline district where I lived, he was working there for one of his aunts, no, as well as I can tell it his aunt's old man's brother, he was working there at his house
Q What was his name? A Jim Smith.
Q Do you suppose that Tom Watie could have been enrolled under the name of Tom Smith? A I couldn't say; he didn't talk no English then.
Q Are you on the 1880 roll? A Yes sir.
Q Was this man Tom Watie living near you when you applied for enrollment at that time? A I can't understand very well all the English.
Q When you were enrolled in 1880 was Tom Watie living near you?
A I don't remember about that.
Q Do you know whether Tom Watie was enrolled in 1880? A No sir, I don't know.
Q You never heard him say he was? A No sir.
Q You know he was always recognized as a citizen? A Yes sir.
Q Did you ever hear of his right being disputed? A No sir.
Q Do you know he and Nancy were married? A I never saw them married; I knew him before they were married.
Q How long after they were married before you saw them the first time, do you suppose? A Well I would be afraid to answer that question.
Q Tell just about? A Well I expect, it was about ten years after he left ~~here and that I saw him again~~ up there that I saw him again.
Q And when you saw him then he was living with this woman? A Yes sir.
Q You don't know whether he was ever married to her? A No sir, I don't.
Q How long did he continue to live with this woman, did he live with her until he died? A Yes sir, until he died.
Q That is all you know about the case is it? A Yes sir, that is all I know, and then his aunt living right there close to me.
Q His people had all been recognized citizens had they? A Yes sir.

DAVID M. FAULKNER, being sworn and examined testified as follows:

BY COMMISSION:

Q What is your name? A David M. Faulkner.
Q How old are you? A 60 years old.
Q What is your post-office address? A Hanson, I. T.
Q Were you acquainted with Tom Watie, the former husband of Nancy Spaniard? A Yes sir.
Q Had you known him from his childhood up until his death? A Well I never got acquainted with him till after the late war, that is, to know him.
Q Shortly after the war? A Yes sir.
Q Was he a full blood Cherokee? A Well sir, he was considered a full blood Cherokee. He had always been recognized as such.
Q Had you ever heard his right disputed by any one? A No sir, I never did.
Q Have you any idea why his name cannot be found on the roll of 1880? A No sir, I couldn't say.
Q You didn't know him when he married the applicant did you; he was living nowhere near you? A Why he lived about 15 or 18 miles from where I lived.
Q Did you hear of his marriage at the time it was consummated? A No sir, but I knowed them to live together as man and wife.
Q For how long a period did you know them to live together as man and wife? A Why it has been about since '25.
Q Do you know that they lived together all the time up until ~~max~~ Tom Watie's death? A Well they lived together down there and they moved here in this country some where and I saw him here about two or three years ago, I think it has been about two or three years ago as well as I recollect; any way I saw him here as a witness before the gand jury and I knew him to be the man that lived down there.
Q Was he still living with this woman at that time, did he say? A No sir, I couldn't say that.
Q They had always been recognized during the time you knew them as husband and wife then? A Yes sir, I think it was my father she claims that married them, and he was judge at that time of the district where we lived.
Q You don't know whether or not he ever went by any other name other than Tom Watie do you? A No sir, I don't; that is all the name I knew; he had a brother called John Watie; there was two boys of them.
Q How much older than Tom was John, or was he any older? A I don't know as I know the difference in ages.
Q How old a man would Tom Watie be if he were living now? A Well I suppose he would be , just to make a guess at it, about 30 or 35 years old.
Q Then he was quite a boy when the 1880 roll was made? A Yes sir, I suppose so.
Q Was Tom Watie's father living when the 1880 roll was mde? A I don't really know who his father was.
Q Did you know who his mother was? A No sir.
Q Is John Watie dead now? A Yes sir, so I understand, he is dead.
Q Do you know whether john was married or not? A No sir, I don't.
Q What did you say Tom Watie's Indian name was? A Gee-skor-gil.
Q And what would be the English of that name? A Crawfish.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant's husband, Tom Watie, and found on page 676 No.1286 Crawfish Wattie, Saline district, native Cherokee, 22 years old.

Q Mr. Faulkner, do you know the applicant here, Nancy Spaniard, before she married Tom Watie? A No sir.
Q You don't know whether she is recognized as a citizen by blood

or not do you? A No sir.

By Commission: It appears from the testimony in this case that Tom Watie the father of Louella Watie, Lee Watie and Alfred Watie or Kie Watie, is duly identified on the authenticated roll of 1880 as "Crawfish" Wattie, in Saline District, according to page and number of the roll as set forth in the testimony. This testimony will be filed and made a part of the record in the case of Nancy Spaniard, et al., D-1130.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this December 3,1901.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 27 1902

Supl.-C.D.#1130.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 20, 1902.

SUPPLEMENTAL in the matter of the enrollment of NANCY SPANIARD, ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter March 1, 1902, that her application for the enrollment of herself and oathers as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 20th day of March, 1902, and that on said day she could appear before the Commission either in person or by attorney when an opportunity would be given her to introduce any further testimony affecting her application. The applicant having this day, to-wit: the 20th day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---oooOOOooo---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission I correctly recorded the proceedings had in the a ove case this day, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

K1130

1902

EXECUTIVE DEPARTMENT

CHEROKEE NATION.
TAHLEQUAH, INDIAN TERRITORY.

This is to certify that I have examined the marriage records of Tahlequah District to find a marriage record of Tom Watie Nancy Johnston but fail to find a record of such a marriage ;that said m marriage records have been filed in this office by law and are in my custody.

Given under my hand and the seal of the Cherokee Nation this the 13th day of June 1902.

B. W. Alberty

Assistant Executive secretary,
,Cherokee Nation.

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss.

I, James A. Winston, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 27 day of April 189 9, at M., and duly recorded in Book H, Marriage Record, Page 32.

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 27 day of April, A. D. 189 9.

Jas A. Winston Clerk.

By Deputy.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., August 6, 1902.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of William Spaniard et al citizens of the Cherokee Nation.

Commissioner

MARRIAGE LICENSE.

Cherokee D 1130

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss. No. 233

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between Mr. William Spaniard, of Tahlequah, , in the Indian Territory, aged 53 years, and Mrs Nancey Watie , of Tahlequah, , in the Indian Territory, aged 33 years, according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at ~~Muskogee~~ Tahlequah Indian Territory this 9th day of December A. D. 1898 .

S E A L

James A. Winston
Clerk of the U. S. Court.

By H.W.L.Shelton Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT, } ss.

I, Wolf Coon , a Minister of the Gospel, Do Hereby Certify, that on the 10th day of December , A. D. 1898, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans of Matrimony between the parties therein named.

WITNESS my hand this 15th day of December A. D. 1898 .

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book B , Page 207 .

Witnesses to signature of Wolf Coon
George W. Bunge
John C. Duncan

(Wolf Coon)
~~A Minister of the Gospel.~~
A Minister as aforesaid

Cherokee D-1130

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T., July 21, 1903.

In the matter of the application of Nancy Spaniard for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her stepchildren, Louella, Lea and Ky Watie, as citizens by blood, of the Cherokee Nation.

SUPPLEMENTAL TESTIMONY.

WILLIAM SPANIARD, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A William Spaniard.
Q How old are you? A About 55 or 56, somewhere along there.
Q What is your postoffice address? A Stilwell.
Q Are you the husband of Nancy Spaniard? A Yes sir.
Q About how old is she? A Well sir, she says she's 35; she's somewheres along there I guess.
Q Does she claim to be a citizen by intermarriage? A Why, she didn't claim that way when she married me. She claimed to be a citizen by blood when she married me.
Q Did she apply as a citizen by intermarriage? A Well, when I went to Muskogee I couldn't enroll the children because I didn't know her husband's name; she give it to me Tom Watie and it was on the roll as Gee-skor-geet. That is Cherokee for Crawfish.
Q Are you and Nancy Spaniard living together at this time?
A Yes sir.
Q You were living together on the 1st day of September, 1902, were you? A Yes sir.
Q Are her three children, Louella, Lea and Ky all living now?
A Yes sir.
Q All living with her? A Yes sir.

++++++++++++++++++

Mabel F. Maxwell, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

Mabel F. Maxwell

Subscribed and sworn to before me this
22nd day of July, 1903.

John Rossen
Notary Public.

MFM

Cherokee D-1130.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Tahlequah, I. T., August 12, 1903.

In the matter of the application for the enrollment of HAZEL SPANIARD, as a citizen by blood of the Cherokee Nation.

LUELLA WATIE, being first duly sworn and examined, testified as follows;

EXAMINATION BY THE COMMISSION:

Q What is your name? A Luella Watie.
Q How old are you? A 18.
Q What is your postoffice address? A Stilwell.
Q Did you formerly live at Sallisaw? A No, I live right close to Stilwell.
Q Is your mother named Nancy Spaniard? A Yes sir.
Q Have you got a child named Hazel Spaniard? A Yes sir.
Q That is your own child is it? A Yes sir.
Q Who is the father of it? A Richard Spaniard.
Q When was that child born? A The 8th of last July.
Q That was July, 1902? A Yes sir.
Q Did you ever make an application to have that child enrolled as a citizen of the Cherokee Nation? A Yes sir.
Q What application did you make; did you make a personal application? A Yes sir.
Q Who did you make application to? A Mr. Walkingstick.
Q Mr. Simon R. Walkingstick? A Yes sir.
Q You mean do you that you made out a birth affidavit for the enrollment of that child and gave it to Mr. Walkingstick? A Yes sir I enrolled it that way.
Q He was the Notary Public before whom you made the affidavit? A Yes sir.
Q Do you remember how you signed that affidavit? A I signed her name Hazel Spaniard.
Q How did you sign your own name? A Luella Watie.
Q After you made out the affidavit what did you do with it? A I give it to Mr. Walkingstick.
Q Was the affidavit ever returned to you or did you ever hear from it again? A Yes sir, Mr. Rosson written to us.
Q Did he write to you? A Yes sir.
Q What did you do with the letter he wrote you? A I answered it.
Q You mean this gentleman here, Mr. John O. Rosson? A Yes sir.
Q Did he return the birth affidavit to you? A No sir.
Q What did he write about? A He wrote to see who was ~~Hazel Spaniz~~ Hazel Spaniard's mother, and I wrote back and told him I was the daughter of Tom Watie and a sister to Lea and Ky Watie.
Q Have you got that letter Mr. Rosson wrote to you? A No that letter come to Miss Nannie Watts; he never wrote to me, he wrote to Miss Nannie Watts.
Q Did you yourself ever get a letter from Mr. Rosson? A No I never did, he wrote to Miss Nannie Watts.
Q Did Nannie Watts give the letter to you and did you answer it? A She answered it for me I can't write.
Q Did you ever hear anything more from the affidavit? A No sir.
Q Is Richard Spaniard a citizen of the Cherokee Nation? A Yes sir.
Q About how old is he? A I don't know how old he is.

NANNIE MILLER, being first duly sworn and examined, testified as follows:

Q What is your name? A Nannie Miller is my name now, but at the time it was Nannie Watts.
Q How old are you? A 22.
Q What is your postoffice address? A Stilwell.
Q Do you know Luella Watie? A Yes sir.
Q Do you know whether she has a child named Hazel Spaniard? A Yes sir.
Q When was that child born? A The 8th of July, 1902.
Q Do you know whether Luella Watie ever made out an affidavit as to the birth of her child, Hazel Spaniard and sent to the Commission by any of the Commission's employes? A Yes sir.
Q I wish you would state what you know about that affidavit?
A The affidavit was made out by Mr. Simon Walkingstick, they couldn't write; they told when it was born and its father and mothers name, and I think its grand-mother's name.
Q Did you actxx as a witness to the signature by mark of the mother? A Yes sir, she signed her name by mark and I witnessed it.
Q Do you know what she did with that affidavit? A I suppose
A I suppose Mr. Walkingstick returned it.
Q He took it away with him? A Yes sir.
Q Did you or Luella Watie ever hear anything more from that affidavit? A I did.
Q What did you hear about it? A I just got a letter wanting to know the child's mother's name.
Q Who was that letter from? A Mr. John Rosson.
Q Have you that letter with you? A Yes sir this is it.
(Witness hands Commission letter. The same is marked Exhibit A.)
Q Did you answer this letter? A Yes sir.
Q It seems from the letter that Luella Watie signed her name as Ella Spaniard, and you were asked under what name Ella Spaniard was listed for enrollment? A Yes sir.
Q Did you reply to Mr. Rosson? A Yes sir.
Q What information did you give him as to the mother's name?
A I told him the mother's name was Ella Watie and was a sister to Lea and Ky Watie.
Q Did you ever hear anything more from that affidavit? A No sir.
Q Was it returned to you? A No sir.
Q Do you know whether it was returned to Luella Watie? or not?
A I don't think it was as far as I know.
Q When was it you acted as a witness to the execution of that affidavit? A The 1st of October, 1902, I think.

NANCY SPANIARD, being first duly sworn and examined, testified as follows:

Q What is your name? A Nancy Spaniard.
Q How old are you? A 35.
Q What is your postoffice address ? A Stilwell.
Q Are you the mother of Luella Watie? A Yes sir.
Q Has she got a child named Hazel Spaniard? A Yes sir.
Q When was that child born? A The 8th of July a year ago.

Q Did Luella Watie ever make out a birth affidavit as to the birth of that child and forward to the Commission or deliver to any of the Commission's employes so far as you know? A Yes sir.
Q When was the affidavit made out? A Sometime in the first of October, lastfall.
Q Were you the mid-wife present when that child was born? A Yes sir, I was there when it was born.
Q Did you make an affidavit as to that child's birth? A I swore to the birth, yes sir.
Q Who before? A Mr. Walkingstick.
Q Mr. Simon R. Walkingstick? A Yes sir. /
Q What was done with that affidavit? A I don't know what was done with it.
Q Was it given to Mr. Walkingst ck? A Yes sir.
Q Did you ever hear from that affidavit again? A Yes sir, Miss Nannie Watts got a letter from it.
Q Was the affidavit ever sent back to Luella Watie or to you?
A No sir.
Q That child is still living is it? A Yes sir.

SIMON R. WALKINGSTICK, being first duly sworn and examined testified as follows:

Q What is your name? A Simon R. Walkingstick.
Q How old are you? A 35.
Q You are an employe of this Commission are you not? A Yes sir.
Q You have heard the testimony of Luella Watie and Nannie Watts and Nancy Spaniard, as to a birth affidavit having been executed before you as to the birth of Hazel Spaniard, have you not? A Yes sir.
Q Have you any recollection of the circumstances of making out that affidavit? A Yes sir, I have, I remember it quite well; it was between the latter part of September and the first of October 1902, that I was at the house where she was at, and I had been sent out by the Commission to hunt up the new borns, and I heard of her having a child born within the time, and I went over there and made out the affidavit.
Q What did you do with the affidavit? A I brought it back to Tahlequah where the Commission was located at the time, and turned it over to Mr. Rosson who was in charge.
Q Do you remember what further was done with the affidavit then?
A No sir, I do not.
Q You lost track of it after it was turned over to Mr. Rosson?
A Yes sir; well I do remember that Mr. Rosson and I talked about it afterwards, but just in what way I can't say.
Q You state though that as Notary Public, you attested an affidavit made by Luella Watie and by Nancy Spaniard, as to the birth of Hazel Spaniard sometime about the first of October? A Yes sir.

JOHN O. ROSSON, being first duly sworn and examined, testified as follows:

Q What is your name? A John O. Rosson.
Q How old are you? A 23 years of age.
Q You are an employe of this Commission are you not? A I am.
Q From sometime in August until the last of October, what work were you engaged in for the Commission Mr. Rosson? A I was clerk in charge of a special Cherokee enrollment party stationed at Tahlequah, this town.

Q Had you any special instructions relative to birth affidavits for infant children born to Cherokee parents? A I was instructed to employ any additional men that I saw fit, who were also interpreters, and instructed to direct them to proceed to the districts of the Cherokee Nation inhabited by full bloods, and secure the enrollment of any children born up to or including the first of September, 1902.
Q You have heard the testimony of Luella Watie, Nannie Watts, Nancy Spaniard and Simon R. Walkingstick, as to the birth affidavit of this child, Hazel Spaniard, have you? A I have.
Q Have you any recollection of this birth affidavit? A I have?
Q State what you know about the birth affidavit having been executed, or what you know about the affidavit? A Mr. Walkingstick, who was one of the interpreters making a canvas of the full blood districts either sent to me or gave to me an affidavit as to the birth of this child, Hazel Spaniard, and I was not able to tell under what name the mother of this child had been listed for enrollment, and was unable to list the child, or identify the child's parents in order to enroll the child. Mr. Walkingstick informed me that one of the persons who had witnessed the signature by mark of the persons executing the affidavit was a school tezcher, and I could get reliable information from her, who was Miss Nannie Watts. I wrote her a letter and she wrote back in reply to me, giving the information that I called for.
Q Is this the letter here? A It is.
Q From this letter it appears that the mother signed the affidavit as Ella Spaniard, and you couldn't identify any such person as Ella Spaniard as an applicant for enrollment by this Commission, that was the trouble was it not? A It was.
Q From the reply you got from Nannie Watts, were you able to identify the mother? A I don't remember, but I do remember getting an answer and it seems--- I have a vague recollection that the affidavit was properly signed, but receivingso many affidavits at that time from different employes in the field working under me, I am unable to remember distinctly in regard to this particular one.
Q Do you remember if you returned the affidavit to the mother in order that she could sign her name as she is listed for enrollment by the Commission? A I don't have any recollection of having returned the affidavit.
Q Have you any recollection what became of the affidavit after you heard from Nannie Watts? A I have not, more than that I forwarded to the Commission at Muskogee, all affidavits in my possession.
Q As to this particular affidavit you have no distinct recollection? A No sir.
Q This letter written by you to Nannie Watts is dated October 25, 1902, when did you get a reply from her? A As well as I remember it was only a few days after writing the letter.
Q Do you remember of having the affidavit before you wrote this letter? A Yes sir.
Q But you are unable to state now postively what became of the affidavit? A Yes sir.

R. Palmer, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

R. Palmer

Subscribed and sworn to before me this 17 day of August, 1903.

Samuel Foreman,
Notary Public.

AUG 1 1903

Supl. to D-1130.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Tahlequah, I. T., August 12, 1903.

In the matter of the application of Nancy Spaniard, for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her children, Luella, Lea and Ky Watie, as citizens by blood of the Cherokee Nation.

NANCY SPANIARD, being first duly sworn and examined, testified as follows:

EXAMINATION BY THE COMMISSION:

Q What is your name? A Nancy Spaniard.
Q How old are you? A 35.
Q What is your postoffice address? A Stilwell.
Q Are you an applicant for enrollment by this Commission as a citizen by intermarriage of the Cherokee Nation? A Well I claimed to be a Cherokee, but they couldn't find my name on the '80 roll.
Q How did you apply to be enrolled? A As a citizen by blood.
Q You don't claim to be a citizen by intermarriage? A Yes sir, of course I am a citizen by marriage, I married a Cherokee.
Q What is your husband's name at this time? A Bill Spaniard.
Q Is he the same man you were married to when you applied for enrollment? A Yes sir.
Q Are you and he living together at this time? A Yes sir.
Q You have never been separated since you were married? A No not particularly; just have a little words like all other families I guess.
Q For how long a time have you ever been separated? A A day and night.
Q You are living together now as man and wife are you? A Yes sir.

R. Palmer, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings had in the above case, and the foregoing is a true and correct transcript of his stenographic notes thereof.

R. Palmer

Subscribed and sworn to before me this 17 day of August, 1903.

Samuel Perryman,
Notary Public.

Cherokee D-1130.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Luella, Pearl and Alfred Watie and Hazel Spaniard as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on February 25, 1901, William Spaniard appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment, among others, of his three stepchildren, Luella, Pearl and Alfred Watie, as citizens by blood of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision. Application was also made for the enrollment of Nancy Spaniard as a citizen by intermarriage of the Cherokee Nation, but her status as such is not determined at this time, nor is she embraced in this decision. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, on November 27, 1901, and thereafter at Tahlequah, Indian Territory, on July 21, and August 12, 1903. There was also filed with the Commission a birth affidavit wherein it is shown that Hazel Spaniard was born on July 8, 1902, to Luella Watie, one of the applicants herein.

The evidence in this case shows that Luella, Pearl and Alfred Watie are the children of one Tom Watie and his wife, Nancy Watie. The said Tom Watie was a native Cherokee and is identified on the Cherokee authenticated tribal roll as "Crawfish Watie." His death occurred about the year 1897. Luella, Pearl and Alfred Watie are identified on the Cherokee census roll of 1896.

The evidence further shows that the mother of Luella, Pearl and Alfred Watie, Nancy Watie, now Nancy Spaniard, has lived in the Cherokee Nation all her life and it is considered that her three children, applicants herein, have lived in said Nation

continuously since birth. It is further shown that subsequent to the original application herein there was born to Luella Watie, on July 8, 1902, a female child, and that said child has been named Hazel Spaniard. An affidavit identifying her as such is made a part of the record herein.

It is, therefore, the opinion of this Commission that Luella Watie, Pearl Watie, Alfred Watie and Hazel Spaniard should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this MAR 10 1904

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Sèvers	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977
Bettie Mitchell	985
John J. Harrison	993
Jasper N. Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E. Hair	1090
Norman S. Drake	1092
Susan Hogg	1094
David L. Scott	1099
James C. Taylor	1111
Roxie Shepard	1128
Robert G. Elgin	1136
William Hall	1137
Mary Ella Lattimore	1141
Maggie J. Keys	1149
Joseph M. Correll	1177
Jane Ratley	1225
George E. Norton	1234
Mahala D. Thompson	1247
Charles M. Trammel	1264
Flora Carlile	1265
William H. Norrid	1275
Olivia Benge	1276
Dollie Wilson	1278
Moses Bell	1279
Sarah Fleetwood	1290
Rosa E. Fargo	1299
William M. Oliver	1333
Andrew J. Couch	1340
Lina Hyles	1347
Mary M. Miller	1350
Mary E. Taylor	1368
Polly Ann Benge	1369
Margaret Moton	1385
Minnie McKinney	1390
Nettie Seabolt	1418
Lawrence G. Faulkner	1433
Sarah A. Holt	1449
Jennette Polecat	1492
Ellen Seabolt	1508
Charles W. Nettles	1509
Lena Sittingdown	1511
Tim Creeden	1513
Odie Pidcock	1517
Silas A Saterfield	1529
Laura J. Jeremiah	1530
Etta Hicks	1540
Mary A. B. McKinney	1550
Millie Morton	1554
Andrew Walters	1573
John H. Holder	1610
Mary M. Burr	1612
Thomas E. Bonham	1644
Florence Headrick	1663
Daisy B Brewer	1709
Annie Cordrey	1717
Adam Eckert	1722
Isaac Timmons	1726
Gent Gibson	1727
Amos Anderson	1731
William J. Mounts	1734
James D. Alexander	1745
Willis E. Miles	1769
Lora Adair	1781
John Yarborough	1796
Lillie M. Dassler	1802
Bryant C. Redington	1804
Malisa A. Maxwell	1808
Richard Dukes	1811
Fannie Pettit	1816
Genevia Pool	1817
Mollie Crossland	1822
Lizzie Benge	1828
John H. Welty	1847
Edward P. White	1884
Lauren P. Green	1887
Charles Rosser	1898
Fay Adair	1913
Henrietta Irving	1920
Bird Trippard	1925
John C. Carlile	1937
John W. Gilstrap	1954
Sarah Young	2018
Nancy A. Coleman	2049
James N. Whisenhunt	2118
Hiram Stephens	2157
Asa L. Guinn	2159
Rebecca J Flying	2172
Thomas J. Measles	2192
Julia Coody	2215
Sarah Crutchfield	2224
Henry E Lee	2251
Sarah Gritts	2256
John A Madden	2261
Henry C. Pennel	2271
Matilda S. Cleland	2302
Dona A. Frazier	2312
Laura B. Cordrey	2320

Lafayett D. Kindred	2328
Pearl V. Sisson	2339
Nancy J. Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
William T. Jones	2501
Sarah L. Martin	2502
William J. Shoemaker	2506
Maud Baldridge	2511
James L. Townsend	2513
George L. Morgan	2568
Andrew A. Brown	2575
Louis K. Fair	2623
James L. Mitchell	2644
Martha E. McNair	2659
Millard F. Eggleson	2668
Elisha M. Gray	2686
Jessie M. Ballard	2694
Annie Mayes	2798
Belle Sixkiller	2809
James P. Riley	2825
William Broaddus	2854
William A. Martin	2865
Joseph Q. Buchanan	2888
Marcellus L. Baker	2905
Etta M. Hill	2915
John R. Smith	2922
Ira W. Wallen	2926
John B. Laurence	2959
Lula O. Hitchcock	2961
Bell L. Muskrat	2975
Eliza O'Field	2977
Margaret Suagee	2993
Winfield S. Nance	3007
Benjamin F. Kelley	3010
Mollie Daugherty	3039
Charles H. Leatherman	3043
Alice A. Edwards	3100
Dorinda Adair	3106
William R. Gray	3118
Dora B. Caulk	3143
Jesse M. Gallman	3161
Martha E. Garrett	3162
Artie E. Large	3164
Andrew A. Kelley	3191
Anna B Ryne	3193
Eliza Henderson	3198
David E. Jenkins	3212
Lizzie Falling	3233
Robert L. Payne	3252
William A J Trotter	3257
Albert P. Goforth	3298
Anna B Martin	3307
William Brown	3344
Jennie B Bluejacket	3345
William Little	3377
Julia M. A. Russell	3386
Andrew J. Smith	3393
William N. Blakemore	3396
Lizzie Denton	3417
Belle Hudson	3435
Thomas S. Heady	3437
William M. Roseborough	3444
Madison G. Hawkins	3467
Japhat F. Ellis	3491
Emma McAffrey	3543
William T. Huitt	3570
Myra F. Chouteau	3580
Phillip Donohoo	3581
Fred L. Kelley	3593
Annie Herod	3594
Maggie V. Fields	3615
Lou Payne	3616
Frederick W. Strout	3692
Andrew L. McCamish	3713
Sarah Dirtthrower	3731
William P. Coble	3758
Robert L. Madison	3761
Mariah McDowell	3795
Elizabeth R. Thornton	3811
Donithan A. Wilson	3841
Charles F. Covey	3868
Tamsey M. Williams	3886
Mary J. Wolfe	3889
Lathan Lumbard	3891
Micajah P. Haynes	3897
Annie L. Wingfield	3903
Mary Fields	3907
William W. Dudley	3944
Minnie M. McLaughlin	3950
Henry B. Lindsey	3978
Wilbert H. Parkison	3999
Seth R. Hall	4011
Wiley Hanna	4016
Martha M. Woods	4093
Lizzie Gray	4117
Nancy C. Carey	4131
Annie E. Kenney	4165
William H. Ward	4169
Nannie Brewer	4189

Nancy J. Kinney	4225
Sydney E. Bell	4232
Isaac H. Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R. Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T. Morrison	4294
Perley Israel	4295
William A. Long	4304
Mollie Swannock	4319
Frances Guess	4324
Allen H. Gibson	4327
John McFall Jr.	4343
Albert W. Fitzsimmons	4360
George S. Ford	4386
Quinn Carr	4387
William A. Powell	4390
Austin Hasley	4400
Anna Bible	4414
Elizabeth Riley	4428
John P. Sudderth	4449
Anderson Keen	4450
Ida M. Adams	4451
Martha J. Randall	4457
Mollie Conner	4477
Jane McGhee	4491
Jennie Riley	4525
Hannah Randall	4528
Charles W. Childers	4542
Nannie B. Riley	4543
John W. McDaniel	4544
Minnie Armstrong	4548
Ada Chouteau	4549
Mary Thompson	4571
Ota Armstrong	4593
Mary Spencer	4594
Clarkson F. Woody	4603
James M. McConnell	4604
Annie E. Coker	4605
Jennie Long	4606
Julia Gilstrap	4607
Laura E. Smith	4608
Annie Nicholas	4609
Minnie R. Taylor	4611
Mary E. Rogers	4614
Emma Downing	4615
William Steere	4619
Roxie J Ketchum	4623
Lizzie Love	4626
Robert K Wann	4632
Frederick Metzner	4633
John C Bratcher	4634
Piqrow L. Jones	4641
Ada Bertholf	4642
Alice Robbins	4644
Jane Dougherty	4649
Samuel Francis	4650
Clemon C Peek	4652
Mont C Frazier	4653
Frank J Mayberry	4656
Charles W. Moore	4660
Jefferson D. Edmondson	4661
Alonzo H Boone	4662
Thomas C Mock	4668
Sallie Allison	4669
Elizabeth E Burgess	4671
LaFayette Breeden	4673
James M Boling	4676
Francis A Neilson	4681
John F Smith	4689
Rufus S Steward	4691
John I Haddock	4694
Maggie O Walkley	4695
George W. Talbert	4698
Mary Miller	4700
Henry C White	4707
Mattie E Hill	4760
Alice A Bible	4772
Katie Coker	4785
John Creek	4801
Ruby R Bean	4804
William J. Dodson	4836
Blackburn Reed	4882
Viola Lowther	4891
William B. Ritchson	4910
Henry D. McDonald	4950
Della McDaniel	4956
Dorothy Rattlinggourd	4991
Ida McCay	5093
Henry M Lyon	5100
Alice J Wofford	5101
Nancy Morris	5137
Ella Sullivan	5140
Winfield Williams	5144
Bessie M. Smith	5145
May Humphrey	5207
Donnie Burgess	5235

Nora B. Burgess	5236
John E. Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H. Wells	5261
John T Gaylor	5266
Annie Sweeten	5269
Rosalee Hendricks	5278
Emma Chambers	5328
James H Thomas	5329
Melville B Baird	5332
James R. Goodall	5356
Charles Horton	5390
James W. Goddard	5417
Dora Cox	5425
Nannie G. Alberty	5438
Sallie Ward	5455
William H Sutherlin	5484
Lizzie Hall	5487
Cyrus B. Essex	5489
Eda Taylor	5493
Laura Taylor	5494
Elector D Miller	5496
Emberson M Arnold	5498
Stella Henry	5499
William E Oneal	5506
John M. Sharp	5509
John L. Davis	5514
Sarah E. Downing	5518
Samantha C. Glass	5524
Harry Jones	5525
Aggie Paris	5532
James W. Hallford	5535
Phoebe Coker	5537
Anthony K. Douglas	5538
Joseph H. Johnson	5541
Harvey O. Riggs	5547
Alice Glass	5553
Addison Reeves	5566
Alice Coats	5572
Julia Kidd	5575
William R Greer	5576
Rosa M Sixkiller	5581
Nancy Inlow	5587
Dansey H Owen	5599
Annie R C Owen	5600
Jesse McKnight	5602
Cicero J Strange	5610
Henry Westenhaver	5611
Emma H Roach	5612
William A. Polson	5613
Paulina P. Pitcher	5614
Charley Headrick	5615
William N. Stinson	5616
Lenora A. Henry	5621
Effie M Adams	5622
John H Shimp	5624
Thomas B. Dickson	5625
Minnie Henry	5628
Thomas J. Simpson	5629
Cap L Lane	5630
Reuben E. DeLozier	5631
John Heape	5640
Perry G. Brock	5645
Mary J Newcomb	5650
George W. Seigel	5660
Martha A. Parks	5666
Zelda C. Mills	5674
Lizzie Rogers	5675
Emma Pigeon	5676
Nellie Bluejacket	5677
Lucy Bacon	5679
Thomas B. Wood	5681
Asa W. Simerson	5683
William J. Kuhn	5686
Elsie Couch	5688
William H. Robinson	5692
Rachel Washington	5693
Isaiah B Blackwood	5700
John R. Johnson	5701
Dennis W Smith	5702
William H. Chesnut	5705
William H. Durham	5707
Albert B. Buckmaster	5710
Maud Crutchfield	5730
Joseph S. Layne	5731
Lena Bell	5737
Juan N. Corn	5748
Robert N. Crafton	5750
Benjamin F. Coffee	5756
Frank McSpadden	5760
Charles D Pendleton	5775
Harden H. Green	5776
Emma J. Ward	5778
Robert C. Fuller	5781
Henry F Extine	5796
Ida Wyly	5802
Richard L Fite	5815
Edward Lutz	5816
John F. Woodworth	5829

Horace H. Huddlestun	5832
William R. Sartain	5837
Joseph A. Lawrence	5843
William H. Hinton	5846
Joseph Lehr	5851
Euin M. Young	5852
Mary C. Barnes	5853
Matilda Thompson	5861
William W. Young	5872
Earley F. Ellis	5874
Rosa B. Alberty	5877
Sarah Cannon	5879
Mamie Beck	5887
Jack H. Merchant	5888
John D. Merchant	5889
Sarah E. Ghormley	5894
Jerry Young	5906
James H. Brickey	5916
Mary Hicks	5919
George W. Weems	5922
Albert Crain	5923
James M. Jones	5932
Alfred W. Shelly	5935
John M. Stratton	5936
Waddie Hudson	5937
Robert C. Johnson	5939
Mary T. Thompson	5941
Edith A. Parris	5943
Addie Hubbard	5949
John A. Lowry	5962
John R. W. Brantley	5963
James T. Carroll	5964
Christopher F. Jordan	5965
Minerva E. Stover	5966
John W. Twilley	5967
Joseph W. Mounce	5970
Cornelius P. Potter	5971
Amanda C. Thompson	5972
John M. Rusk	5976
Harrison L. Hughes	5978
Silas B. Dildine	5983
Lewis M. Payne	5985
Nancy Beamer	5988
Sarah F. Selvidge	6002
Posy F. Buckner	6005
John A. Moreland	6010
Alice Welch	6015
Mary C. Thompson	6022
Ida Beck	6029
William R. Tittle	6030
George C. Duffield	6031
Amelia Reese	6033
Alexander West	6036
John Tootle	6037
Florence G. Langley	6038
John T. Ham	6042
Mary L. Jordan	6048
John W. Bradshaw	6076
James L. Dean	6079
Amanda J. Thompson	6082
Malissa Hubbard	6089
Jane Benge	6111
John D. Ryals	6113
John C. DeLozier	6117
Jessie Willis	6118
Mary A. Clark	6124
Mary J. Tipton	6126
Leander Newton	6136
William A. Qualls	6138
Henderson B. Thomas	6144
Hugh T. Watkins	6163
Nancy Keys	6172
Berry Hutchins	6186
Eli Parker	6189
Sarah E. Shaw	6194
Julia Keys	6211
Boon J. Grey	6214
John Grubb	6216
William M. Costephens	6230
Jane Bean	6232
Lillie I. Taylor	6236
Abbie B. Adair	6239
Mack C. Watkins	6246
Robert W. Murray	6261
John G. Petty	6269
Lucinda Poorboy	6279
Sarah Mayes	6286
Henry W. Pyeatt	6300
Isaac A. Wilson	6308
John T. Hall	6310
Edward L. King	6315
Katie Still	6325
Emmer Carlile	6338
Bird Webster	6347
Fannie Morris	6353
Leonard Lee	6357
James R. Miller	6362
James Brackett	6370
Nora Allen	6371
John T. Washington	6373

James J. Snider	6375
William H. Winget	6376
Ida R. Wilkerson	6383
George A. McBride	6385
Matilda Cookson	6387
William A. Fisk	6392
William O. Ames	6394
Thomas Wilkerson	6396
Alice C. Springston	6407
Fanny N. Witt	6413
Lillie M. Adair	6424
Mark F. Matheson	6428
Ida L. Wilson	6431
George E. Marrs	6441
Ulysses S. Reeves	6443
Daniel A. Smith	6447
Henry J. Dawson	6450
Sarah Adair	6452
Ida F. Wilson	6455
Mary E. Taylor	6459
Catherine Henson	6468
Charles C. Fitzsimmons	6471
Mary E. Campbell	6476
Columbus N. Long	6478
Mary Wilkerson	6480
Myrtle Ward	6484
Belle Manus	6499
Martha E. McLain	6508
Mary A. Brown	6517
Marion M. Ballew	6530
Mellie Mayfield	6540
Sarah Blevins	6541
Frank Powell	6542
Georgia Jackson	6546
Leonard S. Simpson	6549
Almira Ussrey	6560
James McInerney	6561
Fannie Carlile	6578
Sadie A. Mayfield	6580
Silas A. Bryan	6581
William S. Martin	6585
Emma J. Thompson	6589
Lydia McDaniel	6593
David W. Lamb	6595
Gus R. Hart	6603
Poca Phillips	6632
Lois E. Daniel	6678
William W. Turner	6689
Lillie B. Blackstone	6714
Mary Lillard	6715
James L. Lee	6717
Rosa Phillips	6723
Kate Brown	6735
Laura B Barnett	6743
Elizabeth Sanders	6745
William T Neff	6747
William R. Scott	6751
Laura Fish	6770
Maggie Ketcher	6779
Dora A. McDonald	6783
Rosia B. Willis	6785
Daniel Hubbard	6787
Mary R. Tadpole	6801
Magnus A. McSpadden	6811
Sarah F. Pathkiller	6824
Clora Twist	6845
Mattie M. Welch	6846
Cora Griffin	6850
John S. Hyatt	6853
Jefferson K. Tyner	6855
Flora R. Miller	6859
Lizzie Craig	6872
Jacob C Johnson	6876
George W. Ware	6897
James B. Deatherage	6901
Lucinda F Hartness	6943
Frances E Tehee	6961
James M. Burt	6965
Rady Tipton	6975
Laura Hendricks	6976
Laura V. Smith	6979
Lorenzo C. Darnell	6988
Robert M. Mitchell	7004
William Henry Reeve	7005
James Pyle	7009
Willie Hilderbrand	7015
Alice M. Roberson	7031
Charles Morris	7043
Minerva J. Trent	7051
John H. Keith	7078
Katie E. Ratley	7080
Etta Patrick	7081
Nannie Martin	7090
Rosa B Harris	7094
Samuel Brown	7100
William H. Turner	7101
Florence Mayes	7104
Maggie McCoy	7112
Mary Belle Cordry	7113
Benjamin Haner	7119

James Maher	7128
Terry A Parkinson	7146
Cora L Hanks	7147
Otto J Zufall	7149
Rufus M Norman	7155
Mary F Foreman	7158
Alma West	7159
James M Connally	7161
Francis M Crowell	7163
Fannie E McClure	7171
Benjamin B Graham	7176
Ada Phariss	7180
William L. Whisenhunt	7184
Frances B. Perry	7191
Philip Shultz	7210
Hester A. Miller	7212
Minnie B Edmonds	7213
Eliza Jordan	7217
William T. Ross	7218
Thomas M Price	7225
James G Wilson	7231
Frank Rhomar	7263
John W Thompson	7267
Melissa Booth	7271
Solon L. Jackson	7273
Henry W. Coughran	7282
Sarah Ross	7291
Mary S. Smith	7322
John A. Martin	7323
Myrtle Robinson	7330
Allen L. Buckner	7331
James L Goad	7350
Elijah Johnson	7351
Mary E. Kimbrough	7360
Jennie Burr	7367
Kiasay Sapsucker	7378
Sarah J. Johnson	7394
William I. Branan	7409
Wyatte T. Brady	7412
Lena O. Holderman	7413
Mary F. Hummingbird	7420
Bertha A. Allen	7425
Robert J. Tyner	7426
Fannie B. Martin	7434
Myrtle Wolfe	7435
Mary Blevins	7479
Sarah Ketcher	7488
Charles D England	7512
May Cochran	7544
Rebecca Oglesby	7549
Robert B Collins	7556
Nancy I. Brown	7579
Mary B. Walkingstick	7642
Robert T. Kelleam	7653
Mollie Morton	7797
Mattie Girty	8006
Mack Alfred	8015
Ida Harmon	8016
Ida McCoy	8417
Rosie Foreman	8903
Annie Jackson	9034
Margaret T. Langley	9092
Ida M. Davis	9266
Nora Crapo	9289
Margaret Harmon	9378
Mary B. Langley	9438
Ella Gravitt	9439
William M. Wilson	9444
David O. Scott	9446
Harriett Forbes	9447
John Carver	9449
Thomas J. Davis	9451
Clara M. Boudinot	9453
Mary E Keys	9454
John G. Ainsworth	9456
Mary J. Christy	9460
Malinda Seabolt	9462
Mary Cumpton	9464
Mollie P. Mulkey	9465
Andrew Brimmer	9467
James F. Flippin	9471
William Bird	9473
Mollie C. Forbes	9476
William H. Thomason	9478
Mollie Devine	9481
Mary P. Guthrie	9482
Detlev N. Leerskov	9484
Nannie Cowart	9485
Leona Catcher	9489
Alexander B. Clapp	9502
Tennie Sanders	9503
Virgil A. Wiltshire	9505
Joshua K. Carr	9510
Herbert Kneeland	9518
Hugh E. Hope	9519
Thomas J. Ritter	9522
Martha Baldridge	9529
James R. Poindexter	9535
Maud Foreman	9539
Belle Bryant	9542

Joseph P. Smith	9550
George E. Watkins	9552
Florence Henry	9553
Jesse H. Johnson	9560
Lydia B. Barger	9561
Mary Jane Thomas	9562
James F. Petty	9563
Laura McCrary	9566
Joel D. Smith	9568
William T. Cave	9572
William Bugher	9577
James M. Smith	9582
John E. Nazworthy	9583
Beverly L. Lafon	9587
Robert L. Gentry	9590
John C. Barker	9591
John P. Greenwood	9593
Henry Hayes	9596
Ella Cornwell	9598
Asa A. Hedrick	9599
William C. M. Robinson	9600
Woodrow Hadley	9612
William T. Gregory	9613
Charles M. Keys	9616
Bate O. Reed	9618
Joseph E. Feland	9623
Florence C. Smith	9625
Charles M. Cox	9630
Otis S. Skidmore	9634
William H. Hundley	9635
Thomas A. McDonald	9636
Annie Sanders	9638
Mack H. Martin	9640
Mary Ward	9653
George Givens	9658
Pheney Poorboy	9660
Charley Kiper	9671
Andrew J. Snider	9672
William T. Barton	9684
Daniel Crail	9770
Mary M. Motte	9771
Lecia E. Herrin	9854
Gailen E. Carrick	9855
Rosa B Barger	9857
Rachel Foreman	9858
Serepta C. Willis	9861
Virgie Seabolt	9864
Anme Cannon	9867
Isabella McCoy	9874
Robert E. Dry	9875
William G. Brown	9879
John B. Delay	9881
Pairlee Thompson	9882
Guenther W. Werther	9883
Margaret Crittenden	9884
Moses L. Morris	9889
Sarah L. Rogers	9891
Stephen Duncan	9892
Gideon D. Sleeper	9895
William A Maddin	9896
John H. Horton	9904
Howe L. Rogers	9905
William Rush	9912
George W. Edens	9916
William H. Hall	9920
Edith B. Pheasant	9935
Carrie A. Collins	9936
Lucinda Spriggs	9937
Ella F. Hail	9939
John W. Harris	9949
Hannah Raper	9942
John J. Coughran	9945
Youra F. Waybourn	9946
Louisa J. Taylor	9947
William M. Evans	9948
William F Pierce	9940
May F. Chambers	9950
Albert Stevenson	9954
Henry Kiefer	9955
Sarah Bean	9956
Zeno M. Cox	9964
Jerusha E. Blair	9965
Elias Kyle	9991
Ida Cushman	9992
James W. Fleming	9994
Samuel Holmes	9995
Walter H. Talley	9997
Hannah J. Miller	9998
Clara V. Ward	10002
Stephen W. Pittsenberger	10005
Mary E. Palmour	10008
William T. Partin	10011
Nellie Fields	10013
Sarah A. Dawes	10015
Willard E. Hutchins	10016
Jesse Talbert	10020
Julia E. Setser	10021
Amanda E. Howell	10022
Mamie J Rogers	10023
Nannie Rogers	10024

James B. Bradshaw	10025
Ida L. White	10026
Addie B. Miller	10027
William R. Condry	10028
James D. Canary	10029
John Kelley	10031
Kate Craig	10033
John A. Butts	10034
John J. Dameron	10035
William Warner	10036
George A. Allen	10037
Watie Shetley	10038
John E. Carter	10039
John M. Boyd	10043
William Fister	10047
Darius B. Troth	10049
Harry A. Kelley	10050
Mary E. Purcell	10051
Myron L. Bronson	10052
George W. Taylor	10053
Josie Lowther	10054
Fannie D. Perry	10055
Minnie B. Williams	10056
Solomon Copeland	10058
Etha B. Wood	10059
James Pace	10060
Wiley B. McElhaney	10062
Nancy Patrick	10063
James R. Stout	10072
George Parker	10073
Laura Morton	10074
John D. Kelly	10075
Nettie Swift	10078
Maggie Baldridge	10079
David R. Stubblefield	10080
Thomas J. C. Thompson	10081
Cora P. Harlan	10082
William L. Singleton	10083
Lester Evans	10084
Ellen Mayfield	10085
Ella Bray	10087
David J. Matthews	10094
Thomas Brown	10100
Houston J. Payne	10103
Malinda E. Scudder	10104
Henry Odell	10105
Fred Macy	10107
Mary Russell	10108
Thomas B. Brown	10109
Samuel L. Milligan	10111
Millie A. Carnes	10113
Lucy E. Robards	10114
Edward H. Fitzgerald	10115
John T. Pickard	10117
Charles Rains	10118
Nancy Mayfield	10123
Anna B. Tittle	10124
Richard A. Clark	10126
Emma B. Martin	10128
Walter L. Bates	10129
Nellie Brewer	10130
William Heffernan	10131
Levi Ackley	10132
Bessie Davis	10133
Eva Brackett	10135
Caleba Carnes	10136
Jacksie M. Waybourn	10138
Minnie Shutt	10139
Charles L. McClure	10140
William W. Russell	10141
Delia Jenkins	10142
John A. Hood	10143
Oba Maxfield	10145
Mary L. Cloud	10146
Callie Inlow	10147
Everett M. Lowrence	10148
Dora E. Hays	10150
Julia M. Schrimsher	10151
Parmelia E. Lyman	10153
Charles F. Trickey	10161
Louisa J. Palmour	10169
George L. Walker	10170
Annie Taylor	10171
Josie Winters Hall	10174
Alice Nichols	10181
Lizzie Dry	10182
Emma Murray	10183
Annie Winton	10187
Marian Evans	10188
Elizabeth J. McClain	10192
Eliza J. Price	10199
Rissie Still	10200
Hannah E. Langley	10201
Alma Keith	10203
Flora A. Terrill	10204
Talesphora A. Paradee	10205
Samuel Shadix	10206
Mary E. Childers	10207
Robert M. Hamilton	10208
Julia Billingslea	10209

Nannie Martin		10210
Sarah A. Fields		10214
Susie Henderson		10216
Charles H. Rienhardt		10218
William H. Watkins		10221
Frank M. Rucker		10222
Henry C. Reed		10224
Laura B. Timberlake		10226
George A. Brown		10228
Drucilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M. Cooter	D	17
Martin L. Stokes	D	28
Peter Walters	D	44
Columbus M. Reeves	D	58
Sarah Barnes	D	103
George T. Kiddy	D	108
Henry C. Agent	D	139
Joseph Phipps	D	147
Henry Hilton	D	149
David A. McGlamery	D	161
Maggie Doublehead	D	169
Annie Lovett	D	180
Nora Hood	D	184
John A. Johnson	D	232
Nathaniel G. Simpson	D	242
Oncico W. Head	D	244
Etta Taylor	D	245
Susan V. Sullivan	D	262
Levi H. Tackett	D	263
William H. Connelley	D	264
Julia A. Sullivan	D	284
May Fields	D	297
Katie Hummingbird	D	308
William F. Sager	D	320
Lovick P. Garrison	D	334
Henry Grubb	D	338
Lucy F. Lacey	D	340
Callie Blevins	D	341
James S. Alfrey	D	355
Shadrack C. Wallen	D	368
Ada Hall	D	376
Jane M. Hicks	D	396
Fannie L. Dupree	D	403
Willis Battles, Jr.	D	404
Joshua W. Ellis	D	413
Nina B. Owen	D	450
John M. Ridenour	D	458
Emery S. Thompson	D	464
Joseph Reed	D	468
Adolphus J. Hallum	D	483
Alexander Walker	D	490
Albert J. High	D	491
America Matoy	D	501
Moses L. Grazier	D	503
Myrtle Hall	D	509
Wallace Thursday	D	544
Thomas W. Baker	D	546
Mattie E. Keys	D	550
William S. Edwards	D	560
Susan L. Reed	D	572
William H. Lyman	D	574
Gracia Davis	D	577
Edward C. Bolen	D	582
Dora Guthrie	D	585
Samuel H. Hawkins	D	594
Lula M. Purcell	D	600
Ben Estes	D	603
Thomas M. Reynolds	D	621
Arthur Dodge	D	622
Carrie L. McNair	D	624
Constantine N. Walker	D	641
Joseph Davis	D	648
Leander A. Keys	D	650
James J. Barndollar	D	655
Nathan J. Brink	D	682
William S Miles	D	688
Emma Waybourn	D	698
Dora E. Rogers	D	708
James W. Turley	D	709
Lizzie Ward	D	711
Robert J. Holly	D	713
Belle I. Quinton	D	728
Francis M. Boothe	D	734
Amos W. Lord	D	746
Agnes N. Childers	D	749
John E. Renfrow	D	752
William Coon	D	759
Louis Bruere	D	779
Georgia A Waybourn	D	786
Eliza Fields	D	787
William H. Brown	D	788
William A. Cox	D	793
Charles A. Robison	D	799
Artha Williams	D	800
Adam Gearhart	D	806
Cicero F. Rogers	D	855
Annie Garrett	D	856
George S. Yarborough	D	875

Rhoda A. Sanders	D	878
Manuel Spencer	D	884
Benjamin H. Hulbert	D	891
Mary Brassfield	D	935
James L. Tindle	D	944
Silas G. Reneckar	D	966
Eliza Wofford	D	967
Jasper L. Newton	D	971
John N. Guinn	D	974
Hannah Parson	D	989
Nellie C. Helterbrand	D	1003
Thomas J. Welch, Jr	D	1006
Lizzie Christian	D	1010
George Hazlewood	D	1013
James M. Jones	D	1022
Reuben A. Evans	D	1032
Carrie H. Cobb	D	1049
John M. Burns	D	1069
Sarah E. Henson	D	1083
Laura D. Henson	D	1086
Hettie E. Downing	D	1090
Benjamin F. Crain	D	1099
Benjamin Strickler	D	1129
Nancy Spaniard	D	1130
Annie Wilson	D	1131
Ora H. Maxwell	D	1135
Reuben W. Moore	D	1136
Cora Childs	D	1146
Janie Hughes	D	1179
Francis B. Reid	D	1180
Martha Carey	D	1195
Christina Johnson	D	1199
Louvenia Ironside	D	1208
Martha J. Henson	D	1218
David A. Martin	D	1228
Fred D. McEnery	D	1235
Nathaniel R. Martin	D	1261
James H. Requa	D	1266
Frank Carver	D	1267
Etta B. Payne	D	1270
Mary Garrett	D	1271
Joe W. Goodman	D	1272
Mathew J. Flanigan	D	1274
Lizzie C. Holland	D	1285
Etta Downing	D	1291
William Caywood	D	1296
Clarence W. Turner	D	1307
Alfred Chaney	D	1313
Euphemia Sweetwater	D	1314
Etta Russell	D	1319
Ella Vann	D	1320
Linnie Wofford	D	1330
Minnie Downing	D	1332
Katie Rider	D	1334
Samuel G. Mill-	D	1337
Alfred H. Woods	D	1342
Cynthia Whitekiller	D	1352
Susie McSpadden	D	1361
Martha J. Houston	D	1363
Samuel M. Collier	D	1367
Katy Payne	D	1369
Joseph H. Warren	D	1375
Mattie Miller	D	1433
S. E. Moore	D	1434
Addie Schrimsher	D	1448
Fannie Vann	D	1458
Marcella Blakeney	D	1474
G. W. Williamson	D	1555
C. F. Walker	D	1558
Louisa Blevins	D	1567
Frank Cowles	D	1581
Mary Frances Madding	D	1637
Thomas Rodman	D	1661
Katie Still	D	1866
Ira Creach	D	1913
D. A. Mounts	D	1967
J. C. Sefton	D	1991
Jennie Holland	D	2024
Lou Sanders	D	2216
Carolme Barnes	D	2591
Lacey Crane	D	2592
Daisy Cash	D	2595
Hiram A. Landers	D	2599
Charles Neel	D	2603
Mattie Robinson	D	2605
Jennie Rich	D	2606
Alexander C. Russell	D	2607
Pricilla Ross	D	2608
Tom W. Reeves	D	2609
Mary Smart	D	2612
Rufus Tidmore	D	2613
Jasper Turquitt	D	2614
Mabel West	D	2618
Ophelia West	D	2619
Cora Whisenhunt	D	2620
Katy Martin	D	2667
Willis Butler	D	2686
Claud Barger	D	2687
Disie Conner	D	2698
John Culwell	D	2699

Herbert F Couch	D	2700
Albert C Dykes	D	2703
Delora Drew	D	2704
Frank F Danderson	D	2705
James Gafford	D	2708
Anna L Harlin	D	2715
William R Lapsey	D	2717
Bertha Landrum	D	2718
Lila More	D	2722
John D. Mathews	D	2723
Mary McIntosh	D	2725
Bertha Nidiffer	D	2730
Richard Nichols	D	2731
William S. Ross	D	2738
Irene Riley	D	2739
William H. Rowley	D	2740
Colombus C. Scroggins	D	2741
Della Summers	D	2743
William S Sage	D	2744
Eliza Thomas	D	2748
John P. Thurman	D	2749
Mary E. Davis	D	2770
Jessie Frick	D	2774
Enna Buffington	D	2788
Will Black	D	2789
Maggie E. Davis	D	2792
Thomas Dotts	D	2793
William Daws	D	2794
Nancy Dawson	D	2796
Lena Fields	D	2797
Effie Grayham	D	2798
Alice C. Hill	D	2799
Bertha H. Harlin	D	2800
Margrett C. Hudson	D	2801
Joseph A. Kelley	D	2803
Andrew O. Kepler	D	2804
Josephine King	D	2805
Sarah Jane Birdsong	D	2806
Marion Maddox	D	2807
John A McKenzie	D	2808
Ione McGee	D	2809
Ollie Miller	D	2810
William A. Martin	D	2811
Jesse P. Morrow	D	2812
Oliver Mason	D	2813
Edna Whitehead	D	2814
Charley Nuckolls	D	2815
Etta M Nidiffer	D	2817
Louizer Ossowee	D	2818
William H. Patterson	D	2820
Samuel A. Parkhurst	D	2821
Ellen Rogers	D	2822
Elijah Rolland	D	2827
Endora Steele	D	2828
William M. Stucker	D	2829
Sallie Tauuneacie	D	2831
Mary Tassle	D	2832
John F. Wolf	D	2835
Ruth A Ward	D	2840
Winnie Daugherty	D	2884
Mary Guthrie	D	2885
Lydia Long	D	2886
Edda Roberts	D	2887
Manda Ward	D	2889
Elmira J Alberty	D	2905
Thomas C. Cordray	D	2906
Edward Fowler	D	2907
Dora Foreman	D	2908
Parker Holt	D	2909
John Haston	D	2910
Georgie Harlin	D	2911
Percillia Johnson	D	2913
Bettie Morton	D	2915
Samantha Spade	D	2917
Mariah Ward	D	2918
Ellen Watt	D	2919
Nora Morten	D	2920
Lizzie Anderson	D	2981
Francis Duval	D	2984
Wade S. Hayes	D	2987
James A. Hankins	D	2988
Joseph Hardee	D	2991
Tennie Horn	D	2992
Eveline Hall	D	2993
John E. Leftwich	D	2995
Mattie Henson	D	2994
John D. Colvard	D	2998
Charles W. Phillips	D	2999
Sarah Shanks	D	3000
Nettie Young	D	3009
Jerry P. Ables	D	3048
Almedie Ross	D	3052
John S. J Fowler	D	3055
Leaner Hood	D	3056
James D. Jackson	D	3057
Emma G. Nelson	D	3058
Alice Simco	D	3059
George O. Wallace	D	3060
Fannie Clay	D	3078
Ellen Drew	D	3079

Luc Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

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Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

COMMISSIONER
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLEN L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

IN REPLY TO THE FOLLOWING

Cherokee D 1130

Muskogee, Indian Territory, June 7, 1902.

Mr. J. T. Parks,

Executive Secretary, Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

Will you please examine your records for the entry of a marriage between Tom Watie and Nancy Johnson, alleged to have taken place about 1885. The district is not shown, but in all probability the marriage took place in Tahlequah district.

Kindly certify the result of your examination to this Commission.

Yours truly,

Tams Bixby

Acting Chairman.

Cherokee D 1130

Muskogee, Indian Territory, June 28, 1902.

Nancy Spaniard, (

Stilwell, Indian Territory.

Madam:

You are hereby notified to appear before this Commission, at its office in Muskogee, Indian Territory, on or before July 14,1902, and submit further evidence with reference to your application for enrollment as a citizen by blood of the Cherokee Nation.

You testify that you are the daughter of one Martha Rogers, who was the daughter of one John P. Rogers. You are requested to bring with you, if possible, such persons as may have known your mother and grand father to be Cherokees. You will also be required to inform the Commission in what districts you have lived during your residence in the Cherokee Nation.

You are also advised that further proof of your alleged marriage to Tom Watie will be required.

As these matters are important you are urged to give the same your prompt attention.

Yours truly,

Commissioner in Charge.

Register

Cherokee D 1130

Vinita, Indian Territory, January 26, 1903.

Nancy Spaniard,

c/o William Spaniard,

Sallisaw, Indian Territory.

Dear Madam:

You are hereby notified that before your application for enrollment as a citizen by intermarriage of the Cherokee Nation will be complete, it will be necessary that you introduce further testimony showing your right to enrollment on September 1, 1903.

This testimony can be introduced before the Cherokee Land Office of this Commission at Vinita, Indian Territory, on or before February 19, 1903. When you appear, please present this letter.

Respectfully,

Acting Chairman.

GRS

Cherokee D-1130

Muskogee, Indian Territory, March 4, 1903.

Nancy Spaniard,

Stilwell, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of February 26, stating that it will be impossible for you to appear before the Cherokee Land Office of this Commission at Vinita, Indian Territory, for the purpose of testifying in the matter of your application for enrollment as a citizen by intermarriage of the Cherokee Nation. You state that you will appear before the Cherokee Land Office when that office is moved to Tahlequah.

Your letter has been duly noted. You are advised that your right to enrollment can not be determined until the testimony as called for in the Commission's several recent notices to you has been introduced.

Respectfully,

Chairman.

GRS

D.C. 12517-1903

DEPARTMENT OF THE INTERIOR.

FHE

WASHINGTON.

I.T.D.
4971-1902
3783-1903

April 27, 1903.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

April 15, 1903, the Department received the inclosed communication from R. C. Martin, which is treated as a motion to reopen the case involving his application for enrollment as a citizen of the Cherokee Nation, which case was disposed of by the Department adversely to the applicant, August 29, 1902.

The Department has reconsidered the case, and as the testimony was taken and your decision and that of the Department were rendered under different understanding of the 9th paragraph of section 21 of the act of June 28, 1898 (30 Stat.,495), from that expressed by the Department in the case of Clement G.Clark, of March 17, 1903, and the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case, the decision of August 29, 1902, is hereby rescinded, and the case is remanded for further proceedings and readjudication in the light of said opinion and decision, and the decision of the Department of March 17, 1903, in the case of Elizabeth C. Payne.

The testimony and the papers attached thereto are herewith returned.

Respectfully,

(signed) Thos Ryan
Acting Secretary.

2 inclosures.

Cherokee D-1130

Tahlequah, Indian Territory, September 29, 1903.

William Spaniard,

Stilwell, Indian Territory.

Dear Sir:

As per your verbal request the marriage license and certificate filed with the Commission, showing your marriage, on December 10, 1898, to Nancey Watie, is returned to you herewith, a copy of same having been made and retained in the Commission's files.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

Encl-S-194
GRS

Cher. D-1130.

Tahlequah, Indian Territory, November 7, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:-

There is enclosed herewith the complete record in the matter of the application for enrollment as Cherokee citizens of Nancy Spaniard, et al, Cherokee D-1130.

This case is believed to be ready for decision and inasmuch as the principal applicant is an intermarried white, the record is transmitted for your consideration and appropriate action.

The original card in this case is at the general offices at Muskogee.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

Enc. C-10.
JOC.

M04

COMMISSIONERS
TAMS BIXBY,
THOMAS B NEEDLES,
C R BRECKINRIDGE,
W E STANLEY

ALLISON L AYLESWORTH,
SECRETARY

ATTORNEY ONLY TO
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1130

Muskogee, Indian Territory, March 10, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 10, 1904, granting the application of William Spaniard for the enrollment of Luella, Pearl and Alfred Watie and Hazel Spaniard as citizens by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from the date hereof within which to file such protest as you may desire to make against the action of the Commission in this case. If you fail to file such protest within the time allowed this decision will be considered final.

Respectfully,

Encl. V-21

Commissioner in Charge.

Cher. D 1130

Muskogee, Indian Territory, January 10, 1907.

Nancy Spaniard,

Stilwell, Indian Territory.

Dear Madam:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

Cherokee D1130

Muskogee, Indian Territory, March 14, 1907.

Nancy Spaniard,

Stilwell, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

RPI

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-100
LMC

D 1130

Nancy Spurrier et al

a Original Bond with Petition
B Notice of Application for
c Marriage License and Certificate
d Supplementary testimony
E Supplementary testimony
F Notice of final consideration, Sept
March 21 1914 No
Transferred to C-12 10709

1000

Cher D 1131

Cher D 1131

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 17 1900

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
MULDROW, I. T., AUGUST 15th 1900.

IN THE MATTER OF THE APPLICATION OF George W. Wilson and children, for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, T. B. Needles, tatified as follows:

Q What is your name? A George W. Wilson.
Q What is your age? A About thirty two.
Q What is your Postoffice? A Muldrow.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir
Q Byblood? A. Yes sir.
Q What degree of blood do you claim? A I reckon about an eighth.
Q What district do you live in? A Sequoyah.
Q How long have you lived there? A About three or four years.
Q Where did you live prior to that time? A In Canadian District.
Q How long have you lived continuously in the Cherokee Nation?
A About twelve or thirteen years, or fourteen years.
Q Does your name appear on the authenticated roll of 1880?
A Yes sir, I understand it does.
Q Where did you live before? A Scullyville County.
Q Arkansas? A No sir; Choctaw Nation.
Q Where were you born? A At old Billy Wilson's.
Q In what Nation? A Cherokee Nation.
Q For whom do you apply for enrollment? A Myself and two children.
Q What is your father's name? A Dos; G. W. Wilson.
Q Is he living? A No sir.
Q Was he a Cherokee citizen by blood? A Yes sir.
Q When did he die? A About eleven years ago, I reckon.
Q What is your mother's name? A Margaret Wilson.
Q Is she living? A Yes sir; she was the last account I heard of her.
Q She was a Cherokee by blood? A I do not know.
Q Are you married? A Yes sir.
Q Is your wife a citizen? A No sir.
Q Have you any children? A Two.
Q What are their names? A William Wilson.
Q How old? A He will be six the 7th of nexxt December.
Q Next one? A Pearlie Wilson.
Q How old? A Four years old.
Q Are those children living, and living with you? A Yes sir.
Q Have you any evidence of your marriage? A No sir; nothing but a mother in law; I have no certificate or anything like that.
Q When were you married? A About seven years ago.
Q To whom? A Annie Sharver.
Q A white woman? A Yes sir.
Q Where? A Canadian District.
Q When by? A Elks.
Q A preacher? A Yes sir.
Q Is he living? A I do not know.
Q Did you have any certificate of marriage? A No sir/
Q Were you married under a United States liscence? A Yes sir.
Q Where did you get the liscence? A In Texas.
Q Did you marry in Texas? A No sir; in canadian district.
Q Married under a Texas liscence in Canadian District?; what did you do with the liscence? A Sent it to Texas to have it recorded.
Q Recorded there, is it? A Yes sir.
Q What District were you in in 1880? A I reckon I was in Sequoyah.
Q Were you ever admitted to citizenship? A Yes sir; before the Dawes Commission.
Q In 1896? A Yes sir.
Q Were you admitted or rejected? A They told me they did not have any right to take my case; they said they were working on rejected citizens.
Q When was that? A Three of four years ago.

Q Did you draw your strip money? A No sir; I was in Ft. Smith in jail then.
Q Did you ever live in Georgia? A No sir; my father did.
Q What is his name? A George W. Wilson., I reckon; they called him "Doc".
Q Where were you born? A At Wilsons Rock.
Q What Nation? A Cherokee.
Q You were born there? A Yes sir.
Q How long did you live there before you moved away?
A Three or four years.
Q Where did you go? A Scullyville County, Choctaw Nation.
Q How long did you live there? A About eleven years.
Q Where did you go then? A To the Cherokee Nation.
Q Have you always lived here since? A Yes sir; here and Flint District.
Q How long did you live in Arkansas? A I was in Ft. Smith in jail.
Q How long did you live in Texas? A I never did live in Texas.

By Mr. W. W. Hastings, Cherokee Representative:
Q Did your wife live in Texas? A No sir.
Q How did you happen to get a liscence in Texas? A I was there attending Court.
Q Where did you wife live at that time? A In Canadian District.
Why did you not get the liscence at Muskogee?
Q I was down there attending Court.
Q What in? A In a whiskey case.
Q Did they have you down there for whiskey? A No sir; I was a witness there§
Q Who filed your case here? A I went before them four years ago; I had my mothers affidavit to tell whose child I was; I took it before the Dawes Commission at Ft. Gibson; and they said they had no right in the case; that they were working on rejected cases only.
Q Who was your father? A Doc Wilson.
Q Where did he live? A At Wilson's rock.
Q Was he a recognized citizen of the Cherokee nation? A Yes sir.

By the Commission.
Q You sy your mother's name was Margaret? A Yes sir.

By Mr. W. W. Hastings, Cherokee Representative:
Q A white woman? A I do not know what she was.
Q Did she claim to be part Choctaw? A I do not know.
Q Were you not claiming Choctaw citizenship in the Choctaw Nation? Did your mother ever claim it? A I never heard of it.
Q Did you ever know of her claiming it? A No sir.
Q Is your wife part Choctaw? A No sir; she is a white woman.

By the Commission:
Q Your name does not appear on any of the rolls of the Cherokee Nation; consequently, we will have to reject your application, unless you can bring some proof to show that you were enrolled by some other name. We have no jurisdiction unless your name appears on some of the rolls. You never drew any money? A No sir.
Q Never have been recognized as a citizen? A No sir.
Q Never have been recognized by the Cherokee authorities, have you?
A No sir; my mother and father have appear.

By Mr. W. W. Hastings, Cherokee Representative:
Q Do you know whether your father was married to your mother or not?
A No sir.

By the Commission:
Q Your father and mother are both dead? A No sir; my mother is

not dead, I reckon.
Q Do you know where she lives? A She lives in McAlester, Choctaw Nation.

Mr. Wilson, your application for enrollment as a citizen of the Cherokee nation is refused, for the reason that under the act of Congress approved May 31st, 1900, Indian Appropriation Bill, this Commission has not authority to receive, consider or make any record of applications of any citizen of any tribe in the Indian Territory, who has not been enrolled: Said law further provides that your application shall be final. The Commission will transmit this judgment to the Secretary of the Interior, when the rolls of the Cherokee Nation are sent him for his approval.
Your application for enrollment for yourself and children, William and Pearl Wilson, is rejected.

R. R. Cravens, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the above and foregoing is a true, full and correct transcript of his stenographic notes in said case.

R R Cravens

Sworn to and subscribed before me this 17th day of August, 1900.

COMMISSION.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 28 1901

ACTING CHAIRMAN.

S U P P L E M E N T A L T E S T I M O N Y .

Memo. #40.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 21st, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of George W. Wilson as a citizen of the Cherokee Nation:

MARGARET MATHEWS, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Margaret Mathews.
Q What is your age? A I suppose I am about 60 years old.
Q What is your post office? A Hartshorn.
Q In the Choctaw Nation? A Yes, sir.
Q Do you live in the Choctaw Nation? A Yes, sir.
Q Are you a citizen of the Cherokee Nation? A No, sir.
Q Are you a citizen of the Choctaw Nation? A I dont know; I never had my rights proved up.
Q Do you know George W. Wilson? A Yes, sir.
Q What relation is he to you? A He is my son.
Q What was his father's name? A George Wilson.
Q Of what blood was his father? A Cherokee blood.
Q Where were you and his father married? A At Wilson Lock in Sequoyah district.
Q Is his father living? A No, sir.
Q When did he die? A He has been dead a good many years.
Q Was he a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Did he die before 1880, 20 years ago? A No, sir, he has not been dead that long.
Q Where did he die? A I don't know where he died at.
Q Were you living with him at the time of his death? A No, sir.
Q What did you say his name was? A George Wilson.
Q Where was your son George here born? A At the Wilson Lock in the Cherokee Nation.
Q Was his father a recognized citizen of the Cherokee Nation?
A Yes, sir.
Q What degree of blood did he have? A I could not tell you hardly he was a citizen.
Q Were you ever recognized by the Cherokee authorities as a citizen? A Yes, sir, when I was with him I was.
Q When did you separated from him? A I just could not tell you how many years it has been.
Q How old was George when you separated? A About six months old.
Q Where did you go after you separated from him? A I just knocked around and went across the river.
Q Have you married again? A Yes, sir; went over in Coalliville.
Q You and Georgie's father were legally married were you?
A Yes, sir.

BY JOEL L. BAUGH, Cherokee Representative:

Q How long did you live with him after you were married?
A About a year and a half.

By COMMISSIONER NEEDLES:

Q His name is not on the roll of 1896; he never drew what is known as strip money in 1894? Applicant answers: "I was in jail then."

BY JOEL L. BAUGH:

Q Did you make application for enrollment in 1896 to the Cherokee authorities when they were making the roll? A Yes, sir.
Q What did they do; did they refuse you enrollment? A No, sir;

they taken me on the roll and taken it up here before the Council; Jim Severe was tending to it for me. I have always been taught that I was on all the rolls up to the time of my father's death.

Com'r Needles: When did your father die? A About 14 years ago.

G. W. VANN, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A G. W. Vann.
Q How old are you? A I will be 87 years old on the 27th day of next December.
Q Do you know this applicant, George W. Wilson? A Yes, sir. I knew him from a bay in his mother's arms.
Q What do you know about his father and mother? A I don't know whether they were legally married or not; I know they lived together as man and wife. I was living on Wilson Rock; I never saw them married, but I have heard Bilihy Breedlove, he is kin to them, he says they was married.
Q How long did they live together as man and wife? A They was living together as man and wife when I commenced working for them.
Q Do you know when this child was born? A Yes, sir.
Q Was he born while they were living together as husband and wife? A Yes, sir.
Q What was his father's name? A George Wilson.
Q Was he a Cherokee citizen by blood? A Said to be.
Q Did you know his mother? A Yes, sir.
Q Is she a white woman or Cherokee? No, sir, she is a Choctaw; she is said to be a Choct w wom an.

---ooo000ooo---

J. O. Bosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 23d day of February, 1901.

Commissioner.

09131

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 23 1901

ACTING CHAIRMAN

MEMO #40.- "D" #1131.

S U P P L E M E N T A L - T E S T I M O N Y .

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEBRUARY 26th, 1901.

SUPPLEMENTAL TESTIMONY IN THE MATTER OF THE APPLICATION OF George W/ Wilson, Memo. #40.

By Commissioner T. B. Needles:

J. W. Breedlove, attorney for applicant comes and presents the pay roll of 1886 of Sequoyah District, on which is found the name of George Wilson, child of G. W. Wilson, seventeen years of age, as Number 211, Series "D".

Q What evidence have you Mr. Breedlove that the George Wilson upon this 1886 Roll is the applicant?
A I don't know as far as that is concerned that I have any immediate evidence right here, but I can swear that they were the only George Wilsons there were in Sequoyah District.

Com'r. T. B. Needles: Upon an examination of the Rolls of 1880 the name of George W. Wilson, averred to be the father of the applicant, is found on Page 728, Number 1413, Geo. W. Wilson, Sequoyah District.

The applicant by his attorney presents a marriage certificate, which is filed herewith, certifying that on the 1st day of July, "1904", he was married to one, Nannie Sharver, in the State of Texas, according to the laws of the State of Texas; but afterwards withdraws said certificate to have same corrected.

Com'r. T. B. Needles: By reason of the fact that the name of George Wilson is found upon the pay roll of 1886 of the Cherokee Nation, the names of himself, wife and children will be taken from Cherokee Memorandum Number 40 and placed upon Doubtful Card Number 1131.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 26th day of February, A. D., 1901, at Muskogee, Indian Territory.

COMMISSIONER.

D. 1151.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 30, 1903.

In the matter of the application of George W. Wilson for the enrollment of himself and children as citizens of the Cherokee Nation.

Applicant represented by James W. Breedlove.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter March 1st, 1903, that his application for the enrollment of himself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 30th day of March, 1903. The applicant this day appears by his attorney, J. W. Breedlove.

COMMISSION: Is there any statement you desire to make relative to the case?
MR. BREEDLOVE: No statement, I desire to close the testimony and submit it to the Commission.

The attorney for the applicant and the representative of the Cherokee Nation present submit the case; the same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

I, Arthur G. Croninger, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Arthur G. Croninger

JEQ

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. November 20th 1902.

In the matter of the application of George W. Wilson for enrollment as a citizen of the Cherokee Nation.

Cherokee D. D1131

Motion to reopen case.

Com s now the Cherokee Nation and moves the Commission to reopen the case of George W. Wilson and set it for hearing at Muskogee I. T. on December 1st 1902 in order that the Cherokee Nation be afforded an opportunity to introduce witnesses to disprove the right of the ~~applicant~~ applicant to be enrolled as a citizen of the Cherokee Nation.

In support of said motion the Cherokee Nation will produce the following witnesses: John Faulkner, Oscar Petit and Charles Fargo by whom it expects to prove that the applicant is not entitled to enrollment as a citizen of the Cherokee Nation because applicants mother was a white woman and was never married to the alleged father of the applicant.

This motion is not made for the purposes of delay but that justice might be done.

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

Cherokee D-1131.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., December 1, 1902.

In the matter of the application of George W. Wilson for the enrollment of himself and children, William and Pearl Wilson, as citizens by blood of the Cherokee Nation.

Applicant represented by J. W. Breedlove; Cherokee Nation by W. W. Hastings.

John Faulkner, being sworn and examined as a witness on behalf of the Cherokee Nation, testified as follows:
By W. W. Hastings: What is your name? A John Faulkner.

J.W.Breedlove: I desire as attorney for applicant at this time to object to the taking of further testimony in the matter of this application for the reason that the applicant has by rule of the Commission been summoned to appear on March 20th and submitted or agrred to the submission of the case upon the testimony taken and that on that day said applicant appeared by myself as attorney and agreed that the testimony be closed and the case be submitted to the Commission for final decision; that as shown by the record the attorney for the Cherokee Nation also appeared on the part of the Cherokee Nation and agreed that the testimony be closed and the case be submitted for final decision.

Examination continued by W. W. Hastings:
Q What is your age? A Going on fifty-six.
Q Where do you live? A I live in the Cherokee Nation, Muldrow.
Q How long have you lived in Sequoyah District in the vicinity of Muldrow? A I lived there all my life, within fifteen miles of there.
Q How far do you live from Muldrow now? A I live about a half mile.
Q Do you know the applicant who gives his name here and makes application under the name of George W. Wilson? A Yes sir, I know him.
Q Did you know a man that he know alleges to be his father who was also known as George Wilson or Doc Wilson? A Yes sir.
Q When did you learn to know him, his alleged father? AI saw him in '67.
Q How far did you live from him in 1867? A Well, I stayed about one and a half miles or two miles.
Q How long did you live from him in '68? A Well, I was just about the same place; I made a crop near there in '68.
Q I will ask you if you know this Wilson well? A Yes sir.
Q Did you know him well in '67 and '68? A Yes sir, pretty well.
Q Were you intimately acquainted with him? A Yes sir, pretty well acquainted with him.
Q Did you know a white woman down in that neighborhood by the name of Margaret who was the alleged mother of this applicaxim George Wilson? A Yes, I think I did.
Q Was she ever married to George W. Wilson, the averred father of the applicant? A Not that I ever heard of.
Q You never heard of their marriage? A No sir, I never did; I can't think of it since this thing came up of ever hearing of it.
Q Could she have married him and lived with him as his wife as much as a year and a half and you not knowing of it and you within one and a half miles? A I don't believe she could have.
Q Did you ever hear that they ever claimed that she married him until this case came up before the Commission? A No sir, I never did.
Q Did you ever hear the averred father, George W. Wilson, speak as this applicant being his son? A Not that I can recollect of.
Q When did George W. Wilson die do you know? A I can't recollect the year; it has been fourteen years ago last spring.
Q Well if that be true that would have been in the spring of '88? A Yes sir, about that time.

Q Did you ever see the applicant, George Wilson, before the death of his averred father in '88? A No sir, I never did.
Q Never saw him? A No sir.
Q You are well acquainted with the citizens of Sequoyah District are you? A Yes sir, pretty well.
Q Do you kow whether or not this applicant has ever been recognized down there as a citizen? A Not that I know of he never has been recognized; he has never voted as long as I have known it; I have been judge of elections and he never tried it while I was judge.
Q You were always around and took part in elections? A Yes sir.
Q Only three precincts in the district? A Yes sir; I generally have been at Muldrow and he never tried there.
Q Well, Muldrow, is the only precinct in the lower part of the district, Lee Creek is in the north part and Sweet Town in the west part of Sequoyah? A Yes sir.
Q And you never heard of this applicant being recognized down there? A No sir, I didn't.
Q I will ask you if you knew a colored man down there by the name of George W. Vann who was a witness in this case? A Yes sir, I know him.
Q I will ask you if you know his reputation for truth and veracity throughout that community? A It isn't very good at all.
Q Do you know it, is it bad or good? A His reputation is bad.
Q I will ask you if his reputation isn't extremely bad, very bad? A Yes sir, it is.
Mr. Breedlove: You say you knew Doc Wilson along when you first knew him was in '67? A Yes sir, early part of '67, the first of the year.
Q Did he move into that country then or did you move into that country? A We moved all about the same time.
Q Right after the war? A Yes sir.
Q Did you know him before he moved there? A No sir.
Q Then you had only been acquainted with him during the years '67, '8, and '69, you had been acquainted with him three years then up to '69? A Yes.
Q You say you never knew of him living or having a wife there whose name was Margaret? A No sir, I never heard of it.
Q Did you ever kow of his wife? A He had several.
Q He had several wives? A Yes sir, four that I know.
Q Who were they? A The first woman was named Rinda Anderson, was her maiden name, said to be.
Q Do you know whether he had any children by that wife or not? A He had one.
Q What was its name? A I don't recollect its name; he was small when she died. He took it off.
Q He took it off? A Yes sir.
Q What was his next wife's name? A Bettie Collier that is the one he lived with.
Q Did he have any children by that wife? A No sir, he never had any by her, they only lived together a while and then they parted.
Q Who was his next wife? A He married a woman they called Lizzie Sterling; I think she was a widow.
Q Did he have any children by that wife? A Yes sir, he had two.
Q What were their names? A Georgia and Sam.
Q That is three - what was the other one? A The other one was Effie Davis, now Mrs. Fargo.
Q Do you know from your own personal knowledge that he married these women? A No sir, I don't; he lived with them as his wife; I guess he married them; I never saw him married to them.
Q You know he lived with them? A Yes sir.
Q Do you know how long he lived with each of them? A Hisfirst wife I guess he lived with her something near three years, the Anderson woman.

Q In what time was it when he married Rinda Anderson? A I can't recollect. I know when she died; they lived together I think three years.
Q How long then after you became acquainted with Doc Wilson was i t until he married this Rinda Anderson? A I don't think I can exactly say.
Q About how many years after you became acquainted with him in '67?
A I expect a couple of years.
Q Are you guessing at that or have you anything to make you believe it? A Yes, I have something to let me go by; he got this woman in the Choctaw Nation or the state and he got her during the time his sister lived over there, Mrs. McKinney; he got her on that place and they moved here afterwards in '70; that is my understanding.
Q If you understand that right? A Yes sir.
Q Are you stating these facts from hearsay? A Yes sir.
Q You have to state it from hearsay, that is about the time he went over there to see his sister and got her. Did you ever see that woman Rinda Anderson? A Yes sir, I saw her after he got her.
Q And yet you don't remember what year it was? A No sir.
Q Are you sure her name was Rinda Anderson, or is that hearsay? A I don't know that I asked her; I knew her brothers and they said her name was Rinda Anderson; I knew her brothers and sisters. I knew them well all around there with him when we moved there and since then.
Q About when then did he marry this Bettie Collier? A A short time afterwards, I don't recollect how long afterwards.
Q After he married this first wife or after she died? A After she died.
Q A short time? A Yes.
Q Can you give us any idea about the date? A This first wife died in the fall of '72.
Q The first you know of him having? A Yes, '72.
Q And he married this other one - I moved still closer to him - and he married this other widow Lizzie in '74 and you can judge he married the other between that.
Q He married Lizzie in '74? A Yes, '74.
Q Did she die? A Yes, they say she died.
Q He married then Bettie Collier between '72 and '74? A Yes, he didn't live with her but a short time; she was a little girl and I don't know what made him quit.
Q These are all the women you know of his living with? A That is all I recollect of. He lived with his wife; I don't know what he did on the outside. Those he lived with.
Q Now, Mr. Faulker, it is a fact that you don't know as it is so long, as he lived with so many within just a few years? A If he ever did I can't recollect; it is right in the neighborhood and there were very few peple around there.
Q Did you ever hear of this woman, Margaret? A I guess I knew her, I saw her at Charley Foggs.
Q You never saw her at Doc Wilson's house? A I never did. He stayed with his brother in '68.
Q Did you ever see this woman at hisbrother's? A I don't recollect that I did. I heard of her being over there though, that was the talk. I heard of her being over there and had a child.
Q You heard of her being there and had a child? A Yes sir.
Q Did you hear how long she was over there? A I don't recollect. I can't say, I don't think she stayed there very long, I don't recollect positive.
Q It might have been a year? A I don't think it was a year.
Q The fact is, it has been so long that you don't remember how long she stayed there? A No sir, I don't.
Q And as a matter of fact of your own personal knowledge you don't remember whether he was married to her or not? A I never heard of i it; he might have been married secretly.
Q Answer this question "yes" or "No", do you know of your own

personal knowledge that he wasn't married to this woman, Margaret, the averred mother of George W. Wilson, the applicant? A I never heard of it, I don't know.
Q I asked you to answer that "yes" or "no"? I want to get a positive answer. Do you know of your own knowledge whether he was ever married to this woman? A I couldn't say positive whether he was or not. No, I never heard of it.
Q You say you know George W.Vann? A Yes sir.
Q You know his reputation for truth and veracity? A Yes sir.
Q You say it is bad? A I said his reputation is awfully bad.
Q Who did you ever hear say it was bad? A I couldn't tell you who, nearly everybody.
Q Name one or two of them? A I heard Dave Faulkner, and I can't think who else.
Q When did you hear him say that? A I don't recollect, it has been two or three years ago.
Q It might have gotten better since then might it not? A I don't know, I heard he got worse.
Q Name the next one? A I can't name them; I expect you heard of it as much as I have.
Q Who else did you ever hear say it? A I can't say; it has been a general talk.
Q Can't you name any other one? A I don't know, I can't think of every one but it has been pretty near general that old George Vann —.
Q Isn't it a fact, Mr. Faulkner, that you base that knowledge mostly from the fact that he has long been an applicant for citizenship in the Cherokee Nation as a freedman and that he has been used as a witness in a great many cases and that people have talked around about him being a witness in so many cases and being a general liar in other words used for a general witness before the Commission? A Yes sir.
Q That is what you base that from isn't it? A Yes.
Q Yet you can't state but one party? A I could think of more; there has been so many; it has been all over the country.
Q Tell a few of them? A I couldn't do that; there has been so much of it.
Q Do you know how old George Vann is? A No sir.
Q Do you know whether he ever lived or worked for Billy Wilson? A I never heard of him until after '75, until I heard of that nigger.
Q He might have been in the country and you never heard of him? A I think I would have knowed him if I ever saw him.
W.W.Hastings: Was he there as early as '68 and witnessed this marriage? A I never heard of him; he wasn't there, I surely could have seen him; there wasn't but two darkies around there; it was thinly settled.
Q I forgot to ask you a while ago - you said you heard of this applicant's mother having a child in that neighborhood? A Yes sir.
Q Who was the reputed father of that child?
Applicant's attorney: Objected to.
Commission: Objection noted; answer the question.
A He always went by the name of Tom Langley.
Q What was the reputation of that woman as to virtue in the country at that time? A It has been a long time ago; what I can think it wasn't very good; I wasn't thoroughly acquainted with her; I heard them muttering around about her and it wasn't very good, that Margaret lived at Fargo.
Mr. Breedlove: You say the reputed father of a certain child that was born in that neighborhood was Tom Langley? A Yes, that is what is said.
Q Was that the child you speak of being born while this woman Margaret worked over there? A I can't say; she had a child at Wilson Rock, that is what I understood.
Q You say she had this child while she stayed over at Wilson's? A That is my understanding, the neighborhood talk, - we knew her as Margaret- Margaret was over to the Rocks and had a child and it was Tom Langley's.

Q You don't know whether it was Tom Langley's or not? A No sir, I don't know whether it was or not.
Q Then the neighborhood talk was that it was Tom Langley's child? A Yes sir.
Q Yet it was born at Wilson Rock? A I suppose it was, that is my recollection.
Q Was Doc Wilson there at that time? A I guess he was, he stayed around there.
Q Where did Tom Langley live at that time? A He stayed down in the bottoms.
Q How old was Tom Langley then? A He was a young man, I don't recollect.
Q About how old? A I expect about twenty or twenty-one.
Q Was he a citizen or non citizen? A He was a citizen recognized, Tom Langley.
Q You think he was about twenty or twenty-one? A I think he was a young man; he wasn't raised in that country, he come in after the war. I couldn't state positively what is age was.
Q Could he have been less than twenty-one? A I couldn't tell,you; he was kind of grown, he had a beard on his face.
Q Are you sure he had beard on it? A Yes sir, I know it.
Q In '67 or '68? A Yes sir, he had a little beard.
Q In '67 or '68? A Yes sir.
Q Now you say you knew the reputation of this woman Margaret for virtue during the years '67, '68 and '69? A '68 is when I saw her at Fargo.
Q You stated her reputation was bad? A It was talked like it wasn't very good.
Q Who did you ever hear say that? A Charley Fargo said so.
Q What did he say? A He talked as if she wasn't no good.
Q Who else? A I heard all the Langleys laughing over her at Fargo; they were a little plainer than the balance of them.
Q Which one of the Langleys did you hear speak of her ? A Both of them, I guess Tom and Locke Langley both.
Q What did Tom say about her? A I don't recollect; they laughed over her just as a person would over a woman.
Q She was a widow at that time? A I don't recollect, I know she had a little kid.
Q Whose child was that, do you know? A No sir, I don't; I never talked to her, I just saw her; I think it died; that is my recollection.
Q You can't state anything you heard these Langleys say about this woman? A No sir, just making light of her, laughing over her.
Q You don't know anything about her from your own personal knowledge? A No sir, I don't.
Q She might be virtuous for all you know from your own personal knowledge, do you say "yes" or "no"? A She might be, I couldn't say, I never had anything to do with her.

O.A.Fargo, being sworn and examined, testified as follows:
By W.W.Hastings: What is your name? A O. A. Fargo.
Q What is yuur postoffice? A Muldrow.
Q What is your age? A Fifty-seven.
Q Are you a Cherokee citizen? A Yes sir.
Q How long have you lived in the vicinity of where Muldrow now is? A I have lived there all my life.
Q Were you living there in '67, '8, '9? A Yes sir.
Q I will ask you first if you know a colored man down in that country by the name of George W. Vann? A Yes, I am slightly acquainted with him.
Q Do you know his reputation for truth and veracity in that country? A Yes sir.
Q Is that good or bad? A Bad.
Q I will ask you, Mr. Fargo, if you know this applicant here, George W. Wilson? A Yes sir.

Q How long have you known him? A I have known him I guess about six years.
Q Did you know him before his averred father's death? A No sir.
Q Did you know a woman by the name of Margaret that he claims as his mother? A Yes sir.
Q When did you first learn to know her? A I think it was in the year either '67 or '8, I won't be certain.
Q Did she have any children when you first knew her? A Yes sir, had one, a boy.
Q Do you know what became of the boy? A I think it died, I wont be certain.
Q Did you know its first name? A No sir.
Q Did you know her during the year '68? A Yes.
Q Was she at your house? A She was living with us, it was either '67 or '8, I wont be certain which year it was.
Q How long had she been there? A She had been there about five or six months.
Q Mr. Fargo, what was the cause of her leaving? A Well, my wife didn't think her character was very good and she told her to go and hunt another home; she run around a good deal with the neighbors.
Q What was your idea of her condition as to pregnancy at that time? A I couldn't tell anything about that.
Q What did your wife say about it at that time? A I didn't hear her say.

Applicant's Attorney: I desire to object to that.

Q I will ask you a straight question whether or not you and your wife concluded that that woman Margaret was with child and if that wasn't one of the reasons of her being caused to leave your place? A I don't think we had any such talk in regard to that.
Q Well, but what was your idea about it, what was your judgment about it then? A Well, I couldn't say whether she was that way or not.
Q But what was your judgment at that time? A Well, she was a very fresh lady and just by looking at her you couldn't tell whether she was pregnant or not.
Q Did you think she was? A I couldn't say.
I don't know whether she was or not. I wasn't any judge at that time.
Q That wasn't the cause of her leaving your place? A It wasn't on my account.
Q I don't say on your own individual account? A My wife and I thought so.
Q Do you know whether your wife thought that? A I don't know.
Q She didn't speak of it at that time? A No.
Q Did she have a child shortly after that? A I understand she did.
Q About how long after that? A I couldn't say how long.
Q About how many months? A I couldn't say that I understood she had a child ----; it may have been six months and it may have been twelve.
Q You don't remember about that? A No sir, I don't remember.
Q You know the applicant George Wilson? A Yes sir.
Q Has he ever been recognized down there in Sequoyah District as a citizen? A No sir.
Q Has he ever been allowed to vote? A No sir.
Q Has he tried to vote? A I don't think he ever tried to vote but for the last election I think he applied to vote on the treaties.
Q Was he allowed to vote by the people? A No sir.
Q He has never been recognized as a citizen down there? A No sir.
Q You never knew him until about six years ago? A Six years ago, yes.
Q Do you know where he came from when he came there? A No sir, I don't.
Q You don't know where he had been residing before that time? A No sir.
Q You say that his averred mother was a woman of bad reputation? A Yes sir.
Q Was it a bad reputation for virtue? A Well, I don't know; yes, I reckon it was.

Q And that was the reason your wife got rid of her? A Yes sir.
Applicant's Attorney: You say you know George Vann? A Yes, I know George Vann.
Q You say you know his reputation for truth and veracity? A Yes sir.
Q You say it is bad? A Yes sir.
Q Who did you ever hear say it was bad? A I have heard you.
Q Me? A Yes.
Q Are you sure of that? A Yes, you and your father both.
Q When? A At various times.
Q Name the time? A I can't name any specified time; that is common talk in our district what kind of a man George Vann is.
Q You can't name any time that you ever heard me say it? A No.
Q When did you ever hear father say so? A At various times.
Q Name some of the time? A I couldn't name the time.
Q Now you say you first knew this woman Margaret in '67 was it? A Either in '67 or '8, I wouldn't be certain.
Q How long before she came to your house was it that you knew her, or did you first get acquainted with her when she came to your house? A I never got acquainted with her until she came to my house.
Q How long was she at your house? A Five or six months.
Q Then you don't exactly know when she came there? A No.
Q It was '67 or '8? A '68 I guess, I wont be certain.
Q And she lived there five or six months? A Yes sir.
Q How long was it after she left there until this reputed child was born? A I couldn't say.
Q Where was the child born? A I couldn't tell you that, where it was born.
Q Who did you hear speak of it being born? A Imheard several of the neighbors say that Margaret had a baby.
Q Where was Margaret living when they said this? A I couldn't tell you that; she went off; when she left our house she said she was going to Doc Wilson, he wanted her to come there and work for him.
Q Do you know of your own personal knowledge whether she went there? A No sir.
Q It was reported to you that she went to Wilsons? A Yes sir, I understood that.
Q Was it talked through the neighborhood that she was at Wilsons when she had this child? A No, it wasn't.
Q You didn't have any idea when she had this child where she was? A No sir.
Q Not the least idea where she was when she had this child? A No.
Q Did you ever hear Doc Wilson speak of this child? A No sir.
Q Never did? A No sir.
Q How many wives did Doc Wilson have during the time that you knew him? A I don't know, I didn't keep up with Doc Wilson's marriages.
Q You haven't any idea how many wives he had? A No sir.
Q How far did you live from him? A About eight miles.
Q Where were you living then? A I was living at Pawpaw; he was living at the Rock.
Q Do you know of him ever being married to this Margaret? A No sir.
Q Do you know what became of Margaret when she left that country? A No sir.
Q Do you know when she left that country? A No sir.
Q You stated a while ago, Mr. Fargo, that you knew her reputation for virtue and it was bad, did you ever hear say her reputation was bad? A Well, my wife said she didn't think she was the right kind of a woman to have around the family.
Q Who else? A I don't remember of hearing anybody else but my wife. She run around a good deal in the neighborhood, after nights she was out.
Q Didn't you say just now that the only time you knew her was the time she came there and you didn't know where she went after she left? A I am speaking while she was at my house. Yes, I mean after supper and would be out at bed times.
Q Who would? A She would be at the neighbors' houses. I didn't know who she was with.

Q Do you know anything about whether this reputation is true of your own personal knowledge? A No sir.
Q You didn't have anything to do with her yourself? A I am not discriminating myself. That has been a long time ago; I wont answer that.
Q I will ask you Mr. Fargo, if you didn't tell me yesterday evening coming up on the train that you knew that this woman lived ever with Doc Wilson and that she had a child while she lived there? A No sir, I didn't.
Q I will ask you if you didn't tell me this morning that this woman Margaret stayed at Doc Wilson's, moved there to cook for him, and that she had a child? A I just now stated that.
Q Didn't you tell me that this morning? A Well, I don't know; we may have had such a conversation as that.
Q You might have told me that this morning? A Yes, I think I stated that, that she left our house and was going to Doc Wilson's, but I didn't say she had a child there.
Q She might have had a child there and you not know it? A She may have.
Q She might have lived there one and a half years and you not have known it ? A Yes; I didn't go upthere very often, in four or five years.

Applicant's attorney: I desire to offer in addition to what testimony has already been offered the rolls of 1883, Sequoyah District pay rolls, or a copy I suppose it is.

Commission: There appears upon the pay roll of the citizens of the Cherokee Nation, Sequoyah District, year 1883, opposite 1309 the name of G. W. Willson, and opposite No. 1310, presumably in the same family the name of one George Willson.

This case continued by agreement until December 11, 1902, one o'clock P. M.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. L. Rothenburger

Subscribed and sworn to before me this 2nd day of December, 1902.

B. O. Jones
Notary Public.

Cherokee D-1151.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., December 15, 1902.

In the matter of the application of George W. Wilson for the enrollment of himself and children, William and Pearl Wilson as citizens by blood of the Cherokee Nation.

Applicant represented by J. W. Breedlove; no appearance of the Cherokee Nation.

Case continued by agreement from December 1st until to-day.

George M. Gunter, being sworn and examined, testified as follows:
By J.W.Breedlove: What is your name? A George M. Gunter.
Q Where do you live? A Sequoyah District.
Q That is in the Cherokee Nation? A Cherokee Nation.
Q In what part of Sequoyah District do you live - what is your postoffice? A Redland.
Q How far do you live from what is known as Wilson's Rock on the river? A Two miles and a half above.
Q Two and a half miles above on the river? A Yes.
Q How long have you lived in that immediate country, right there between Wilson Rock and Redland? A I have been living there I guess fifty-three years.
Q I will ask you if you were acquainted with Doctor George Wilson? A Yes sir.
Q How far did Doctor George Wilson live from you in '68, '9 and '70? A He was living with his brother on the Rock.
Q On Wilson Rock? A Yes sir.
Q And how far from there did you live at that time, '68, '9 and '70, how far did you live from Wilson Rock? A Two and a half miles.
Q Did you know his wife at that time in '69? A I know he was living with a woman by the name of Margaret.
Q Did you ever see them married? A No sir, I never did.
Q Do you know whether they lived together as man and wife or not? A Yes, they lived together.
Q They lived as man and wife together? A Yes sir.
Q Dis his brother, William Wilson, have a wife at that time? A No sir.
Q Was there any other woman on the place living with these two brothers, living at the house of these t o brothers except Margaret? A No sir, after that old man Billy Wilson married.
Q Who did he marry? A He married a Sanders.
Q Do you know how long he lived with this woman, Margaret, as his w ife? A No sir, I don t.
Q You don't know? A No, I don't.
Q Do you know what became of her, where she went to? A No, I don't.
Q Do you know when they separated, if they ever separated? A No, I don't.
Q Do you know this applicant, George Wilson? ANo, I don't.
Q You don't know him? A No sir.

Q Do you know whether or not at the time this Doctor Wilson lived with this woman Margaret there was a child born? A Yes sir, they had a child.
Q Do you know what it was named? A No sir, I don't.
Q You know a child was born there on Wilson Rock in about '69 while Doctor Wilson and Margaret were living together as man and wife, you know that? A Yes, I know that.
Q You lived within two and a half miles of there? A Yes sir.
Q You are a recognized citizen of the Cherokee Nation, are you, Mr. Gunter? A Yes, I guess so.
Q Have always been? A I guess so.
Q Have you ever lived anywhere except on the old place there between Redland and Wilson Rock? A No sir, never have; I was down on Red River during the war.
Q But you have been back to your old home place ever since have you? A Yes sir.
Q What year did you come back after the war to the old place between Redland and Wilson Rock? A It might have been '65.
Q '65 or '66 along there? A Yes sir, along there.
Commission: Did Doctor Wilson and this woman, Margaret, live together as man and wife during the time they stayed at Wilson Rock? A I don't know nothing about that, but he told me that was his wife; he always done my father's practicing.
Q Did he claim this woman Margaret as his wife? A That is what he claimed.
Q Did the neighbors around there recognize her as Wilson's wife? A Yes sir.
Q How long did she stay there at the house with him, as much as a year or such a matter? A It was longer than that.
Q Did she stay there three or four years? A Yes.
Q You know what became of her? A No sir, I don't.
Q Well, you say while she was living there with Doctor Wilson this child was born? A She had a child.
Q What was that child, a boy or a girl? A I don't know.
Q How large was that child the last time you saw it? A It was walking around.
Q And you don't remember whether it was a boy or a girl? A No sir.
Q Well, did Doctor Wilson stay there at that same place after his w ife left? A Yes, he stayed there with his brother.
Q What became of this child after the mother left? A Well, sir, I don't know.
Q Did she take it with her or did he keep it? A I guess she took it with her.
Q Did you ever talk to Doctor Wilson any about this child after it was born? A No sir.
Q You don't know whether or not he claimed it as his child? A No s ir.
Q You don't know? A No sir.
Q As a matter of fact you don't know who the father of this child was? A No sir, I don't.
Q You never heard Doctor Wilson claim it as his child? A Yes, he said he was living with this woman as his wife and that he must have thought it was his child.
Q Did you ever hear him say it was his child? A He was living w ith her I know.
Q What I want to know whether or not you ever heard Doctor Wilson say that this was his child? A No sir, I never did hear it.
Q Never heard it? A No sir.

3-George W. Wilson et al.

George W. Wilson, being sworn and examined, testified as follows:

By J.W.Breedlove: Your name is George Wilson is it? A Yes sir.
Q How old are you? A I am about thirty-three years old.
Q Where do you live? A I live at Muldrow, Sequoyah District.
Q Where have you lived since the year that you were born, since you can recollect? A I lived in Scullyville County in the Choctaw Nation; I was small when I lived there.
Q Where is Scullyville County? A Its right across from Wilson Rock.
Q In the Choctaw Nation? A Yes sir.
Q How long did you live there? A I don't know.
Q At what age did you live Scullyville County? A About tel or eleven years old when I left.
Q Then where did you go? A I went to Brazil Station.
Q Were is that? A In Scullyville County, Choctaw Nation.
Q Then where did you go after you left Scullyville County? A To Muldrow.
Q Cherokee Nation? A Yes sir.
Q How did you happen to come back here? A Doctor Wilson, my pa, wrote me a letter to come back, to come to his house and I come over there with a fellow, I don't know his name, I don't remember what his name was - he lived there on the place with him, and I come over there and stayed five or six months and then I went back to my mother's.
Q You stayed at Doctor Wilson's some five or six months? A Yes sir.
Q How old were you then? A About eleven years old, I reckon; I just couldn't say positively; I have no education and I can't keep count of nothing.
Q Now, did you ever come back to Doctor Wilson's house after you left there at that time? A Not until after he died.
Q After he died you came back? A Yes sir.
Q When you were at Doctor Wilson's house were you received into his family and around his place and recognized by him as his son? A Yessir.
Q He treated you as his son did he? A Yes sir.
Q You state that he sent for you to come over there? A Yes sir.
Q From the Choctaw side? A Yes, he wrote a letter for me to come there, to come to his place by a man that worked there; I was small, I don't remember. This man promised my mother he would bring me back a certain time.
Q You were only a boy? A Yes sir, only a child ten or eleven years old as well as I can remember.
Q To what extent have you been recognized as a citizen of the Cherokee Nation, if you have been recognized in any way as a citizen of the Cherokee Nation at any time state in what way it has been; as an explanation have you ever been allowed to vote in the Cherokee Nation? A Why, yes sir, I voted here in the Cherokee Nation.
Q Where was that? A Down at Muldrow.
There wasn't but one election down there two or threeyears back when I was kicked against voting.
Q I will ask you if you held property in the Cherokee Nation? A Yes sir, I have property in the Cherokee Nation.
Q Have you a farm in the Cherokee Nation, Sequoyah District? A Yes sir.

Q How long have you had that farm? A Six or seven years.
Q Have you ever been molested or contested as an intruder or anything of that kind? A No sir, nothing has been said against me at all.
Q When was the first time you were ever denied the privilege of voting or exercising the right of citizenship, was it before or after your father's death? A It was way after his death.
Q After his death? A Yes sir.
Q You have never been enrolled since your father's death on any roll? A No sir.
Q Have never been accorded any privilege of voting or anything of that kind? A No sir.
Q Yet you have held the a farm? A Yes sir.
Q Unmolested? A Unmolested; nobody ever bothered me about it.
Q I will ask you if you know of your father ever having you enrolled or enrolling you as his child? A Only by what he said and by what Billy Wilson told me.
Q Only what your father told you? A Yes sir, what he told me.
Q What year? bA I couldn't say what year.
Q Was it in '83 or '86? A It was somewhere either in '83 or '6 ; it was when I come over here.
Q How many rolls are you sure on? A It was either two or three rolls, I don't remember which.
Q Did he have you enrolled? A Yes sir.
Q You never applied for the enrollment of yourself at that time? A No sir.
Q How old were you in '83 or '6? A I reckon ---.
Q How old were you in '83? A I couldn't figure, I don't know how long that has been back.
Q If you, were born in '69 you would be fourteen years old in '83, would you not? A Yes sir.
Q Then you would be seventeen years old in '86? A I was eighteen years old when I come back.
Q Do you know who drew your per capita in '83 or '86? A Myfather drawed it I suppose.
Q Your father Doctor Wilson drew it? A Yes sir, he told old uncle Billy Wilson he drawed it, his brother.
Q I will ask you about your education. Have you any education or have you been educated in any way, can you read or write or anything of that kind? A No sir.
Q Have you been afforded any school privilege since your birth? A I never had any schooling except two weeks that was at Prairie City.
Q In fact you never went to school anything in your life to amount xno anything? A No sir, only two weeks.
Q You have no education? ANo sir.
Q Have you anyone to look after your interests? A No sir, no one but myself.
Q Where does your mother live now? A Between Hartshorne and McAlester.
Q She never comes over to the Cherokee Nation and looks after your interests over there? A No sir.
Q You have no one to look after your interests except yourself? A No sir.
Q And haven't had since your dad father's death? A No sir, nobody at all.
Q Do you know C. A. Fargo who lives near Muldrow? A Charley, yes sir.
Q How long have you known him? A I have been knowing him for about fourteen or fifteen years and maybe longer than that I guess, but that is far back as I can positively say, about fifteen years back I guess.
Q Do you know his present wife, who is his wife now? A His wife used to be my father's wife. Her name is Effie Fargo now. It used to be Wilson.

Q It was Effie Wilson? A Yes sir.
Q Was she the wife of Doctor Wilson, George Wilson? A Yes sir.
Q I will ask you if she was his last wife before his death? A Yes sir, she was his last wife before his death.
Q When you came back to the Cherokee Nation after your father's death did you go to the old home of your father? A Yes sir, I went to his house; the first time I come from the Choctaw Nation after my father's death was to Billy Wilson; I come over there and went to my father's house, to Charley Fargo's wife, now, Effie-; I went to her house and she recognized me and she said to me that your father told me on his deathbed that he had a child in the Choctaw Nation and he says if he ever comes here I want you to treat him the same as of my other children, and so it went on; Effie wanted me to stay home with her and I told her I would after a short time, and I turned in two or three weeks; I got over there and she says to me "what is your name" and she went ahead and asked me my name, asked me how old I was, and I told her, and it seemed like to me that she wanted to raise a racket or something of that kind, and she asked me have you ever been enrolled and I said, yes, I have been enrolled", and she comes in and writes to the Clerk's office at Tahlequah to see if I had been enrolled and so they wrote back to her and told her I had been enrolled by my daddy, George Wilson, and she says to me, before you shall have an heirs' part of Doctor Wilson's estate I will spend it all on a lawsuit; and to be honest with you I haven't been in the house or had anymore dealings with Effie Fargo since.
Commission: You say when you came from the Choctaw Nation the first time you were about ten or eleven years old? A Yes sir.
Q How long after that before you came back again? A Well, sir, I reckon — I don't know— I was eighteen years old when I come back again, to the best of my knowledge.
Q Doctor George Wilson was dead when you came back the next time? A Yes sir, he was dead when I came back the next time.
Q Where was his brother, Billy Wilson, when you came back the last time? A He was living at the bluffs on the river.
Q Did you see him? A Yes sir, I stayed there with him.
Q Where is Billy Wilson now? A He is dead.
Q How long has he been dead? A He has been dead about six years.
Q You weren't enrolled in 1896 were you? A No sir.
Q Six years ago? A No sir; well, I don't know whether I was enrolled or not; I tried to enroll over at Webbers Falls before a man, Scully, and I didn't have nobody - my home was at Muldrow, and there was nobody appeared that could identify me, and that was the reason I didn't get enrolled there.
Q You, didn't draw strip money in '94? A No sir.
Q Had Doctor Wilson married again when you came over that first time; did he have a wife at that time? A Yes sir.
Q Was she the same woman that you speak of as Effie Fargo? A No sir, she wasn't the same woman.
Q Another woman. Did your mother marry after over in the Choctaw Nation after she left Doctor Wilson's? A Yes sir.
Q And she kept you with her until you were eighteen or nineteen years old? A Yes sir.
Q How long did you stay at Doctor Wilson's when you came over the first trip? A If I remember it was five or six months, I couldn't tell exactly positive; I wasn't there very long; I wouldn't be positive how long I was there.
Q At that time did he have any other children there at the house?

A Yes sir, he had one child I think.
Q By the woman he was living with at that time? A Yes sir.
Q What became of that child? A She is living there by Muldrow.
Q Was that his child? A Yes sir, it was said to be his child; he said it was his.
Q During the time you stayed there at the house with him did you stay there as one of the family? A Yes sir.
Q Did he recognize you as a member of his family and treat you as such? A Yes sir.

J.W.Breedlove: I would like to have ten days in which to produce a certified copy or the original pay rolls of 1883 and 1886 of Sequoyah District for the purpose of showing who signed the pay-rolls and drew the money for the George W. Wilson, son of George Wilson, in the family of George Wilson, the alleged applicant.

Commission: Applicant will be granted the time requested in which to file the same.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. L. Rothenburger.

Subscribed and sworn to before me this 15th day of December, 1902.

R. B. Jones
Notary Public.

Cher
Supp'l to # D 1131

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., March 21, 1903.

In the matter of the application of GEORGE W. WILSON, for the enrollment of himself and his children WILLIAM and PEARL WILSON, as citizens by blood of the Cherokee Nation:

Appearances:
James W. Breedlove, of Muldrow, for applicant.

GEORGE W. WILSON, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

Q State your name ? A George W. Wilson.
Q How old are you ? A I am about thirty four years old.
Q What is your post office ? A Muldrow.
Q Are you a Cherokee by blood ? A Yessir.
Q You are a married man are you ? A Yes sir.
Q What is your wife's name ? A Annie Wilson.
Q What was her name at the time you married her ?
A Annie Sharber.
Q Was she a white woman ? A Yes sir.
Q When were you married to her ? A I married her in the Choctaw Nation.
Q When ? A Lets see, its been about nine years ago this coming July, the first.
Q The 1st of July, 1894, was it ? A Yes sir.
Q Have you got a marriage certificate with you ? A Yes sir.
Q Have you presented that certificate to the Commission ?
A Yes sir.
Q Had your wife ever been married before you married her ?
A No sir.
Q You are her first husband ? A Yes sir.
Q Had you ever been married before ? A No sir.
Q She was your first wife then ? A Yes sir.
Q Your wife's parents were both white persons ? A Yes sir.
Q She is not claiming any Indian blood at all ? A No sir.
Q You say you were married to her in the Choctaw Nation ?
A Yes sir.
Q Have you and your wife Annie been living together ever since you were married ? A Yes sir.
Q Have you ever been separated at all ? A No sir.
Q And you were living together as husband and wife on the first day of last September, were you ? A Yes sir.
Q You never had a home outside the Territory ? A No sir.
Q How many children have you ? A Two.
Q What are their names ? A One is named Willie Wilson.
Q It is enrolled as William, is that its proper name ?
A Yes sir.
Q And the next one ? A Pearly.
Q How old are they ? A One is eight years old the 27th of December.
Q That's William ? A Yes sir.
Q And how old is Pearl ? A She will be six years old the 5th day of this coming April.
Q You are the father of these two children ? A Yes sir.
Q And your wife Annie is their mother ? A Yes sir.
Q That's all the children you have is it ? A Yes sir.

Q Now you made application for your enrollment, and for the enrollment of your two children that you just named at Muldrow then did you ? A Yes sir.
Q On August 15, 1900 ? A Yes sir.
Q Did you at that time make application for your wife Annie, for her enrollment ? A Why I don't know, sir, whether I did or not, I think I did, it was my intention.
Q You were living together then were you ?
A Yes sir; of course it was my ~~mark~~ intention, it might have come out in a way; of course there wasn't no Indian blood in her.
Q Well did you regard your wife as a citizen of the Cherokee Nation by her marriage to you ? A Yes sir.
Q You say it was your intention at least to make application for her enrollment at that time ? A Yes sir.
Q How old is your wife ? A I think she is twenty six years old the first day of January; I don't know, I won't be positive, but I think that's her age.
Q Where have you been living since your marriage ?
A Have been living here in the Cherokee Nation.
Q All the time since your marriage ? A Yes sir.

Examined by Mr. Breedlove:

Q Mr. Wilson, you state it was your intention, when you first made application to this Commission, to apply for the enrollment of your wife Annie Wilson as a citizen of the Cherokee Nation by intermarriage ? A Yes sir.
Q And it was your understanding all the time that that application has been made ? A Yes sir, it was my understanding that application was made.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this July 13, 1903.

Samuel Foreman

Notary Public.

Cherokee D-1131.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George W. Wilson for the enrollment of himself and his minor children, William and Pearlie Wilson, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record herein shows that on August 15, 1900, George W. Wilson appeared before the Commission at Muldrow, Indian Territory, and made application for the enrollment of himself and his two minor children, William and Pearlie Wilson, as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on February 21, and February 25, 1901, March 20, December 1, and December 15, 1902, and at Vinita, Indian Territory, on March 21, 1903. Application was also made for the enrollment of Annie Wilson as a citizen by intermarriage of the Cherokee Nation, but her status as such is not passed upon at this time, nor is she embraced in this decision.

The evidence shows that the said George W. Wilson was born in the Cherokee Nation, and the preponderance of the evidence shows that he is the child of one George W. Wilson, now deceased, a Cherokee Indian, who is identified on the authenticated tribal roll of 1880. The principal applicant is identified on the Cherokee pay rolls of 1883 and 1886. William and Pearlie Wilson are the issue of a marriage between said George W. Wilson and Annie Sharver, on July 1, 1894.

The evidence further shows that the principal applicant, George W. Wilson, has resided in Indian Territory all his life and the residence of the children is considered to be that of their father.

It is, therefore, the opinion of this Commission that George W. Wilson, William Wilson and Pearlie Wilson should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.

Chairman.

(SIGNED). T. B. Needles.

Commissioner.

(SIGNED). C. R. Breckinridge.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this DEC 3 1904

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of George W Wilson for the enrollment of himself and his minor children, William and Pearlie Wilson, as citizens by blood of the Cherokee Nation.

P R O T E S T.

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission dated December 3, 1904 and asks that the same be forwarded to the Honorable Secretary of the Interior for Review.

The testimony in this case shows that the applicant was born in 1868 or 1869; that his mother was a white woman and there is no testimony whatever that the mother of the applicant and his alleged father were ever married although the applicant introduces George W Vann a negro who has a very disreputable record and against whom the Cherokee Nation has introduced testimony before the Commission which shows that he has a very bad reputation, and he attempts to testify of their living together as husband and wife. This George W Vann is a freedmen applicant himself being upon F. D. 115 card.

He is well known by the Commission to be disreputable. In addition to George W Vann the applicant introduced one George Gunter who testified in an indefinite way before the Commission when no representatives of the Cherokee Nation was present and when no notice was given to the representatives of the Cherokee Nation.

On the other hand the Cherokee Nation introduced John Faulkner, an old responsible reputable citizen of the Cherokee Nation; he knew George W Wilson the alleged father of the applicant in 1867, 1868 and 1869 and up to his death. He never knew this applicant until a few years ago and not until after George Wilson Sr deaths. He never knew George W Wilson Sr to live with the woman by the name of Margaret or to have a child by her nor to he never heard of his having a child by heralthough he lived right in the same vicinity where he has continued to live up to the present date. Charley Fargo is also introduced and both he and Faulkner make it clear that this woman Margaret said to be the mother of the applicant was a woman of bad repute and Faulkner states that she did have a child down in that settlement but it was reputed to be the child of Tom Langley. Both of these witnesses claim that this woman is of bad repute and so recognized in the vicinity. They give a detailed account of the women who were the wives of George W Wilson Sr and both say that they never heard of Wilson marrying this woman Margaret nor did they ever hear of his keeping her as his wife. Both of these witnesses testify that the applicant has not been a recognized citizen of the Cherokee Nation; that he was never allowed to vote and they never heard that he claimed to be the son of George W Wilson until he made application to be enrolled before the Commission in this case.

Strange it is that this applicant in 1894 never made an effort to get upon the Cherokee Strip pay roll when a large payment of $265770 per capita was disbursed to the Cherokee people.

He knew that he had never been recognized previous to that time; he had not been allowed to draw money in 1891 and in fact he never at any time drew money himself and was never at any time personally recognized as a citizen of the Cherokee Nation.

Under the act of June 10, 1896, the Commission had full jurisdiction to entertain this case because then they had a right to go into the question of blood but under the act of June 28th 1898 and the amendments thereto subsequently adopted continuing and enlarging the powers

POOR ORIGINAL
BEST AVAILABLE COPY

Congress only contemplated that the Commission should make a roll of the recognized citizens of the Cherokee Nation and not go into the question as to whether or not a person was entitled to be recognized. The Commission had the power to do this under the Act of June 10, 1896; their work having ended then it was their duty under the later acts to make a roll of the approved recognized citizens. True this man states in his own behalf that he was permitted to vote but he does not know when or for whom he voted whereas these two old recognized citizens of the Cherokee nation introduced in behalf of the Nation clearly contradict himand the fact that his name does not appear upon the 1890 and the 1894 pay roll contradicts the fact that he was recognized as a citizen of the Cherokee Nation.

If he had been recognized; if he had been permitted to vote; if he had been allowed the rights of other citizens it is quite evident that he would h ve contended for his 1894 strip money which was $265.70; it is arguedin behalf of the applicant that he has held improvements in the Cherokee Nation for a number of years past but this is no evidence of his citizenship because the Department well knows that thousands of trespassers have been holding improvements in violation of the treaties and laws of the Cherokee Nation for the past forty years in this country and their removal has been a constant source of annoyance and has been a subject of discussion in every treaty or agreement that has been entered into by and between the Cherokee Nation and the United States since the war and for that matter long prior to that time

We think it is quite clear that the reputed father of this applicant and Margaret were never married and it is also quite clear that George W. Wilson never recognized this child as his; the applicant himself testifies that he lived in that vicinity when he was six years old and he never returned to that vinity until after the death of George W Wilson Sr then how could he have been recognized by George W Wilson.Sr.

The fact is this applicant was never recognized as a citizen of the Cherokee nation and this is futherther shown by the applicant residing in the Choctaw nation from the time he was six years old until about the time of his marriage. It will be noted that this case does not come within that class of cases of illegitimate children born to persons upon the 1880 roll subsequent to that time because this applicant was born in about 1869; nor does it come within that provision of the Cherokee Law section 692, legitimatizing children by a subsequent marriage of the parents because they were never married in this case.

George Gunter introduced in behalf of the applicant does not know who applicants father is yet he only knew this woman had a child put in that vicinity and the witnesses on part of the Cherokee nation admit that she had a child.

We sub it therefore that the evidence in this case does not warrant the admission of the applicants to citizenship and we insist that the judgment of the Commission should be reversed and the applicants rejected.

Respectfully,

W W Hastings

Per ---------

Attorney for the Cherokee nation.

Muldrow I.T.
Aug 27th 1902

Mr W H Hastings
Muskogee I.T.

Dear Sir

Yours of the 26th to hand. And beg to say in regard to the claimant G W Wilson who claims to be a son of Dr G W Wilson. his Mother is a White Woman and I lived near Dr Wilson for a long time and I never knew of him living with this Woman who is said to be G W Wilson Mother if Dr Wilson had ever lived with this Woman I know that I would have known it. as it was only about one Mile from where I lived to Wilsons. And I know all of the Woman that Dr Wilson ever lived with untill he died. And I never heard of this G W Wilson untill after Dr Wilson died. Chas Fargo Sr. Can tell you as much about the matter as I can as he was better acquainted with this Woman. as he Fargo was accused of living pretty close with her. Yours Truly

Over

John Faulkner

If you need any more information write me or J. W. Bowen & we will look up the Matter

John Hamilton
Augst 1883

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee D-1131

Muskogee, Indian Territory, March 4, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that George W. Wilson, who is an applicant for the enrollment of himself and family as citizens of the Cherokee Nation, Cherokee case D-1131, has this day been notified to appear before the Cherokee Land Office of this Commission at Vinita, Indian Territory, on or before March 25, 1903, and introduce testimony as to the status of his wife, Annie Wilson, as a citizen of that Nation.

Respectfully,

Commissioner in Charge.

GRS

COMMISSIONERS.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
WM. O. BEALS,
Secretary.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee D-1131.

Muskogee, Indian Territory, December 3, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 3, 1904, granting the application for the enrollment of George W. Wilson and his minor children, William and Pearlie Wilson, as citizens by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Chairman.

Incl. S-28.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B NEEDLES,
C. R. BRECKINRIDGE.

WM O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee D-1131.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 30, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

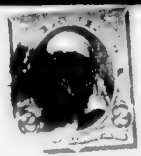
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 3, 1904, granting the application for the enrollment of George W., William, and Pearlie Wilson as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 19, 1905.

Respectfully,

Chairman.

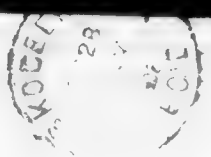


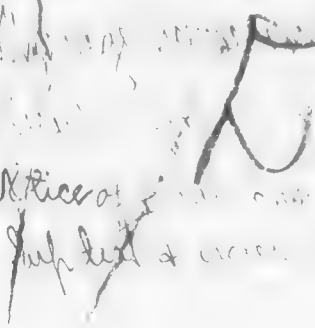
M. H. Woolsey

Washington

D.C.

£1-31-





Cher D 1132

Cher D 1132

To be filed with Cherokee D-1132.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinemore, I. T. November 9th, 1900.

In the matter of the application of Pleasant Cumiford for the enrollment of himself, his wife and children, as Cherokee citizens.

The saidPleasant Cumiford, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q. What is your name? A. pleasant Cumiford.
Q. What is your age? A. Forty-four.
Q. What is your postoffice address? A. Pryor Creek or here either.
Q. What district do you live in? A. Cooweescoowee.
Q. Are you a recognized citizen of the Cherokee Nation? A. Yes, sir
Q. By blood? A. Yes, sir.
Q. What degree of blood do you claim? A. Well, sir, I couldn't tell.
Q. Who did you desire to enroll besides yourself? A. Me and my family
Q. Your wife and family? A. Yes, sir.
Q. What is the name of your wife? A. Letha.
Q. Is she a citizen by blood? A. No, sir; she is a white woman.
Q. Have you a certificate of marriage to her? A. No, sir.
Q. When did you marry her? A. Twenty-three or twenty-four years ago. I married her in the States.
Q. What is her age? A. [illegible] forty.
Q. Have you got any certificate of marriage to this woman? A. No, sir. There wasn't any such thing when I was married.
Q. You were married in Kansas? A. No sir; in St. Clair County, Missouri.
Q. You got a certificate of marriage? A. No sir, there was no use in it then.
Q. Letha C. Is your wife? A. Yes sir.
Q. Robert S. Is your oldest son? A. Yes sir.
Q. Is he married? A. No, sir.
Q. How old is he? A. Twenty years old.
Q. The next child? A. Henry S.
Q. How old? A. Eighteen years old.
Q. The next child? A. Julia A.
Q. How old is she? A. Fifteen years old.
Q. The next child? A. Benjamin F.
Q. How old is he? A. Thirteen years old.
Q. What is the name ofthe next child? A. Beulah C.
Q. How old is she? A. Ten years old.
Q. The next child? A. Watt.
Q. How old? Six years old.
Q. The next child? A. Margarette. (Q That makes seven children at
Q. How old? A. Nine months old. home, is that right? A. Yes, sir.

THE COMMISSIONER: The applicant presents a certificate of admission to citizenship issued from the office of the Commission on Citizenship at Tahlequah under date of January 28th, 1888, certifying that on the 26th day of February, 1887 Pleasant Cumiford, Rose May Cumiford, R. S. Cumiford, H. S. Cumiford, Benjamin F. Cumiford, and Julia A. Cumiford were admitted to Cherokee citizenship. Said certificate being signed by J. T. Adair, Charman of the Commission on citizenship, C. C. Lipe clerk of the Commission, approved and endorsed by J. B. Mayes, Principal Chief, issuedunder the great seal of the Cherokee Nation.

Q. Are you the identidal Pleasant Cumiford that is mentioned in this certificate? A. Yes sir.
Q. These are your children mentioned here? A. Yes, sir.
Q. How long have you been living in the Cherokee Nation? A. I have been here for twenty-three years.
Q. You have been living here continuously since you were admitted?

A. Yes sir, straight, I have never been out.
Q. You were married at that time? Yes, sir.
Q. Your wife was not admitted with you at that time? A. No, sir.
1896 roll, page 125, No. 776, Pleasant Cumiford, Coowescoowee Dist.
1896 roll; page 298, No. 198, Letha C. Cumiford, Coowescoowee District.
1896 roll; page 125, No. 777, Robert L. Cumiford, Coowescoowee District.
1896 roll;page, 125,No. 778, Henry S. Cumiford, Coowescoowee District.
1896 roll; page 125, No. 779, Julia Ann Cumiford, Coowescoowee District.
1896 roll; page 125, No. 780, Ben J. Cumiford, Coowescoowee District.
1896 roll; page, 125, No. 781, Beulah Cumiford, Coowescoowee District.
1896 roll; page 125, No. 782, Watt Cumiford, Coowescoowee District.

(Examination by W. W. Hastings, Counsel Cherokee Nation)
Q. What is your mother's name? A. Rachel Fisher.
Q. From did you get your Cherokee blood, your father or mother? A. My mother.
Q. Rachel Fisher? A. Yes sir.
Q. Through whom did Rachel Fisher get her Cherokee blood, her father or mother? A. I couldn't tell you?
Q. You don't know? A. No, sir.
Q. You don't know which of your grand parents on your mother's side was a Cherokee? A. No, sir.
Q. How, then, did you establish your case of citizenship? A. Well I have proven it by old people out there that knows them.
Q. Where were you born? A. I was born, they claim, right there east of Tahlequah.
Q. When you were first old enough to remember where were you? A. In Bates County, Missouri.
Q. How long did you live in Bates County, Missouri? A. As well as I remember I was there about seven or eight years.
Q. How long have you been a resident of the Cherokee Nation?
A. I have been here about twenty-two years.
Q. What witnesses did you have before the court to establish your citizenship when you were admitted?
A. Mr. Christie. Q. Watt Christie? A. Yes sir.
Q. He is an old man who, lives near Tahlequah? A. Yes, sir; I guess he is alive yet.
Q. Who else? A. He was the only man I needed.
Q. He was the only witness you had? A. Yes, sir.
Q. Was Watt Christie a witness in a considerable number of cases about that time? A. I don't know. I couldn't tell you that.
Q. Did you give Watt Christie any consideration to testify for you?
A. No, sir.
Q. Did you give him a horse? A. No, sir, I didn't give him no horse to testify for me.
Q. Did you offer to? A. No, sir.
Q. You don't know then anything about your people any further back than your mother? A. No, that is all.
Q. And Watt Christie is the only witness who testified to the material facts in your case? A. That is a fact sir; he was the man.
MR. HASTINGS: I protest, then, in behalf of the Cherokee Nation, and ask that this application be held up.
THE COMMISSIONER: Are these children all alive and living with you at that time? A. Yes sir.
THE COMMISSIONER: The name of Pleasant Cumiford appears upon the census roll of 1896, and he presents a certificate of admission to Cherokee citizenship duly signed and under seal, which certificate is filed herewith. The name of his wife, Letha C., appears upon the census roll of 1896 as well as the names of his children Robert S., Henry

sus roll of 1896 as well as the names of his children Robert S, Henry S., Julia A., Benjamin, Beula C., and Watt, and he presents satisfactory proof as to a younger child , Margarette, whose name does not appear upon the census roll. He makes satisfactory proof as to his residence and is fully identified. Comes the Cherokee Nation, and by its representative, and presents against the enrollment of the said Pleasant Cumiford and his family. By reason of the protest final judgment as to the enrollmentof the said Pleasant Cumiford and his said children will be suspended, and their names will be placed upon a doubtful card.

The applicant applies for the enrollment of his wife, Letha C.; he avers that he was married to her before he was admitted to Cherokee citizenship and her name does not appear in said certificate, nor is there any evidence produced that she was admitted to citizenship Consequently the application for the enrollment of his wife will be rejected.

The undersigned being sworn, states that as Stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, andthat the foregoing is a correct and complete transcript of his stenographic notes thereof.

(Signed) Wm. S. Wellshear.

Subscribed and sworn to before me this 10th day of October, A. D. 1900.

(Signed) T. B. Needles,
Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 7th day of January, 1902.

(Signed) T. B. Needles.
Commissioner.

I, Frances S. Botefuhr, as stenographer to the Commission to the Five Civilized Tribes do solemnly swear that the foregoing is a true and complete copy of a copy made by Arthur G. Croninger of the original transcript.

Frances S Botefuhr

Subscribed and sworn to before me this 9 day of May, 1902.

Notary Public.

K1137

To be filed with D-1132.

SUPPLEMENTAL TESTIMONY IN CASE D.771 PLEASANT COMIFORD et al

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Tahlequah, I. T. December 15th, 1900.

WATT CHRISTY being sworn before Commissioner Needles, testified:
By the Commission:-

Q. What is your name? A. Watt Christy.
Q. What is your age? A. 84 or 85.
Q. What is your postoffice? A. Wauhillau.
Q. Are you a full blood Cherokee? A. 1/2 blood.

BY CHEROKEE REPRESENTATIVE, W. W. Hastings

Q. Do you know Pleasant Comifort? A. I cant say that I have always known him, but I suppose that I have known him since he was a little boy, and he is always insisting to me that he is a Cherokee.
Q. Did you know Comifort's mother? A. No sir.
Q. Did you know Comifort's father? A. No sir.
Q. Just took Comifort's word for it that he was a Cherokee? A. Yes sir
Q. Don't know any of his people? A. No sir.
Q. Didnt he give you a horse to testify for him? A. Yes sir.
Q. And you dont know anything about him except what he told you?
A. Yes sir.
Q. He told you that he didn't have any other brothers? A. Yes sir, that he was the only one.
Q. Where did you first see him? A. He came to my house where Bill Christy lives, my old place.
Q. And told you that he was a Cherokee? A. Yes sir.
Q. Told you that he wanted you as a witness? A. Bird Hampton send Comifort to my house.
Q. You didn't know Comifort when he came here? A. No sir.
Q. He told you who he was didn't he? A. Yes, sir.
Q. And he told you that he would give you a horse to testify for him? A. Yes sir.
Q. He gave you that horse didn't he? A. Yes sir.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct copy a transcript of his stenographic notes therein.

(Signed) Chas von Weise.
Subscribed and sworn to before me this 10th day of January, 1901.
(Signed) T. B. Needles,
Commissioner.

I, Frances S. Botefuhr as stenographer to the Commission to the Five Civilized Tribes do solemnly swear that the above and foregoing is a true and complete copy of the original transcript.

Frances S. Botefuhr

Subscribed and sworn to before me this 10 day of May, 1902.

T. B. Needles
Notary Public.

D 1132 (1

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 27 1901

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 26th, 1901.

In the matter of the application of Mansfield Lynch for the enrollment of himself and child as citizens of the Cherokee Nation; said Lynch being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Mansfield Lynch.
Q How old are you, Mr. Lynch? A 30 years old.
Q What is your post office address? A Watoba.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir
Q By blood or intermarriage? A Intermarriage.
Q Who do you desire to enroll? A Myself and one child.
Q Are you married now A My wife is dead.
Q What was her name before you married her? A Rosy May Cumiford.
Q When were you married to her? A '93.
Q Have you any certificate of your marriage? A Yes, sir.

Com'r Needles:--Applicant presents a duly authenticated marriage license and marriage certificate certifying that he was married to one Miss Rosy May Cumiford, a citizen of the Cherokee Nation in the year 1893.

Q When did your wife die? A She died the 11th of January.
Q Was she your first wife? A Yes, sir.
Q Were you her first husband? A Yes, sir.
Q Did you live with her continuously from the time you married her until she died? A Yes, sir.
Q Never separated? A No, sir.
Q What is the name of your child? A Lucile.
Q How old is she? A Seven months old.
Q What was the age of your wife when ~~x~~ she died? A She was going on her 16th year when I married her.
Q How old was she when she died? A 23.
Q What is her father's name? A Pleas Cumiford.
Q Is he living? A Yes, sir.
Q What was her mother's name? A She signs her name L. C.
Q Is she living? A Yes, sir.
Q Have you any certificate of her admission? A Yes, sir.
Q Please present it? A You fellers have got it.

Com'r Needles:--On file among the papers in the case of Pleasant Cumiford, D. #771, is found a certificate of admission to Cherokee citizenship dated at Tahlequah on the 26th day of January, 1888, signed by J. T. Adair, Chairman of the Commission on Citizenship, attested by C. J. Lipe, Clerk of the Committee, approved and endorsed by J. B. Mayes, Principal Chief, issued under the seal of the Cherokee Nation; certifying that among other one Rosy May Cumiford was admitted to Cherokee Citizenship on the 26th day of February, 1887.

Q In this certificate I find the name of Rosy May Cumiford is ~~it~~ she the identical person whom you claim to have married? A Yes, sir
Q She is now dead? A Yes, sir.

Tribal rolls of the Cherokee Nation examined and applicants' names found thereon as follows:

1896 Census Roll; page 197, #2789, Rosa L. Lynch, Cooweescoowee district.

1896 Census Roll; page 313, #618, Mansfield, Lynch, Cooweescoowee district.

Q How long have you lived in the Cherokee Nation? A About 13 years.
Q Your wife was admitted in 1887, do you know when she come to the Cherokee Nation? A No sir; I do not.
Q How long did she live in the Cherokee Nation continuously to your knowledge? A About 11 year I guess.

By W. W. Hastings, Cherokee Representative:

Q How far is Watoba from Claremore? A Well, sir, I think they call it 25 miles.
Q How far from Nowata? A It is about six miles.
Q How far is it from Chelsea, A About twenty miles.
Q And how far from Bartlesville? A I think they call it about 18 miles.
Q Why did you not come to one of these points to enroll? A My wife at that time was paralyzed and could not move and I had to stay with her all the time.

W. W. Hastings: Because of the reasons set forth in the case of Pleasant Cumiford, D. #771, charging him with having obtained his re-admission to citizenship together with that of his family in the Cherokee Nation by fraud, the representatives of the Cherokee Nation protest against the enrollment of Mansfield Lynch and his child, Lucile.

Com'r Needles:--The name of Mansfield Lynch is found upon the census roll of 1896 and he makes satisfactory proof of his marriage according to the laws of the Cherokee Nation to one Rosy May Cumiford, claimed to be a citizen by blood, in the year 1893, and the name of Rosy May Lynch is found upon the census roll of 1896. Applicant avers that his wife is now deceased. The result of said marriage is one child, Lucile, seven months of age, whose name does not appear upon the census roll of 1896, but he presents satisfactory proof of its birth. The parties are duly identified and make satisfactory proof as to residence, but by reason of the protest of the Cherokee Nation by its representatibes, final judgment as to the enrollment of Mansfield Lynch as a Cherokee citizen by intermarriage and his child, Lucile, as a Cherokee citizen by blood, will be suspended and their names will be placed upon a doubtful card.

---ooo000ooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 26th day of February, 1901.

Commissioner.

A 1133

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 26 1901

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath. Cov

CHEROKEES BY BLOOD AND ADOPTION.

88 Date FEB 26 1901 1900.

Name Lawsie Lynch. Tishomingo I.T.

District Ltd. Year 1896 Page 315 No. 618

Citizen by blood Ind Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

2 Lucile Lynch Dist. Year Page No. Age 7mo

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

No. 2. Cert of birth to be substituted

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 26 1901

MARRIAGE LICENSE.

CHEROKEE NATION, I. T.

Cooweescoowee District.

X

To Any Person Legally Authorized to Solemnize Marriage---Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony, and to celebrate the rites and ceremonies of Marriage, between Mr. Mansfield Lynch *a citizen of the United States, and Miss* Rosa May Lunsford *a citizen of the Cherokee Nation, according to the usual custom and laws of the Cherokee Nation, and you are required to return this License to me, for record within thirty days from the celebration of such Marriage with a Certificate of the same appended thereto and signed by you.*

Given under my hand and Seal of Office this the 24 *day of* November *A. D., 1893*

Jos. M Lahay.

Clerk Cooweescoowee District.

C.D. 1131

DEPARTMENT OF THE INTERIOR

RECEIVED

SEP 27 1902

COMMISSIONER OF INDIAN AFFAIRS.

Supl.-C.D.#1132.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 20, 1902.

SUPPLEMENTAL in the matter of the enrollment of MAYFIELD LYNCH, ET AL., as citizens of the Cherokee Nation:

"The applicant was notified by registered letter March 1, 1902, that his application for the enrollment of himself and others as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 20th day of March, 1902, and that he could on said date appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting his application. The applicant's has this day, to-wit: the 20th day of March, 1902, been called and fails to appear either in person or by attorney.

It is directed that a copy of the testimony ha in the matter of the application of Pleasant Cumiford, Cherokee doubtful card No. 771, be filed with and made part of the record in this case.

The record in this case is now deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---oooOOOooo---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings this day had in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

Cherokee D-1138.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 7, 1902.

In the matter of the application of Mansfield Lynch for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his child, Lucile Lynch, as a citizen by blood of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A Mansfield Lynch.
Q What is your age? A Thirty-one.
Q What is your postoffice? A Watova.
Q Are you the same Mansfield Lynch that made application to this Commission for enrollment as an intermarried citizen on February 26, 1901? A Yes sir.
Q What is your wife's name? A Rosa M. Lynch.
Q Is she living or dead? A Dead.
Q When did she die? A She died the 11th day of January a year ago.
Q 1901? A Yes sir.
Q Was she a citizen by blood of the Cherokee Nation? A Yes sir.
Q When were you married to your wife? A November 24, 1893.
Q Were you married to her under a Cherokee license? A Yes sir.
Q Were you ever married before you married this woman? A No sir.
Q Was she ever married before you married her? A No sir.
Q You her first husband and she your first wife? A Yes sir.
Q Did you live together all the time from the time you were married up until the time of her death? A Yes sir.
Q Never were separated? A No sir.
Q Never been married to any other woman? A No sir.
Q Never married since she died? A No sir.
Q You were a widower and still a widower on the first day of September, 1902? A Yes sir.
Q How long have you lived in the Cherokee Nation? A About sixteen years I think.
Q Have you lived in the Cherokee Nation all the time since you and your wife were married in '93? A Yes sir.
Q Is this your child, Lucile, by your deceased wife? A Yes sir.
Q Is that child living? A Yes sir.
Q Has it lived in the Cherokee Nation ever since its birth up to the present time? A Yes sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. G. Rothenbergen

Subscribed and sworn to before me this 31st day of October, 1902.

T. B. Needles

Notary Public.

Pleasant Comeiford

Office Commission on Citizenship
Tahlequah C N Febry 26 1887

Docket	no Family	Names	Age	Sex		Attorney
	1	Pleasant Comeiford	31	Male	South West City Mo	
	2	Rose.May.Comeiford	9	Female		
61	3	R. S. Comeiford	7	"		
	4	H. S. Comeiford	5	"		
					Applicant for Cherokee Citizenship	C.H.Tayler
					Rolls 1835	
	4	V.S. Cherokee Nation Filed Feby 26# 1887			Ancestor Mary Sutton or Fisher	

Now on this the 28th day of January 1888 comes the above case for a final hearing, and the parties having made application pursuant to the provisions of an Act of the National Council approved December 8th 1886, and all the evidence having been duly examined and found to be sufficient and satisfactory to the Commission, and the name of the Ancestor being on the Rolls, It is adjudged and determined by the Commission that, Pleasant Cumiford, Rose May Cumiford, R. S. Cumiford and H. S. Cumiford, are Cherokees, and are hereby re-admitted to all the rights and privaliges of Cherokee Citizens by blood

And a certificate of said decission of the Commission and of re-admission, was made and furnished said parties accordingly.

J. T. Adair Chairman Commission
John E. Gunter Commissioner
D. W. Lipe Commissioner

Attest
C. C. Lipe
Clerk, Commission

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., NOVEMBER 4, 1902.

I, the undersigned, attst Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

attst Bruce G. Jones
Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 4th day of November, 1902.

Notary Public.

Cherokee D-1138.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Mansfield Lynch for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his child, Lucile, as a citizen by blood of the Cherokee Nation.

-- -- -- -- -- -- -- --

D E C I S I O N.

--:o:--

The record in this case shows that on February 26, 1901, Mansfield Lynch appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his minor child, Lucile Lynch, as a citizen by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 20, 1902, and on October 7, 1902. The proceedings in the matter of the application of Pleasant Cumiford, Cherokee D-771, had at Claremore, Indian Territory, on November 9, 1900, and at Tahlequah, Indian Territory, on December 15, 1900, are filed with this case and made a part of the record herein.

The evidence shows that Mansfield Lynch was lawfully married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on December 3, 1893, to Rosa May Cumiford. An examination of the records of the Cherokee Nation, in the possession of this Commission, show that the said Rosa May Cumiford was admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation, on February 26, 1887. She died in January, 1901. Lucile Lynch is the issue of the aforesaid marriage. Mansfield Lynch is identified on the Cherokee Census Roll of 1896, and his child, Lucile, is identified by a birth affidavit, made a part of the record herein.

The evidence further shows that the said Mansfield Lynch lived in the Cherokee Nation continuously from the date of his marriage to his wife, Rosa May, until her death, and that he has resided therein ever since, and had not remarried up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Mansfield Lynch should be enrolled as a citizen by intermarriage of the Cherokee Nation, and that Lucile Lynch should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGN)

Acting Chairman.

T. B. Needles.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB -7 1903

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Vinita I. T. Feb 7th 1903.

In the matter of the application of Mansfield Lynch for enrollment of himself as a citizen by intermarriage and for his child Lucile as as citizen by blood of the Cherokee Nation.

Cherokee D 2182.

Protest of the Cherokee Nation.

Comes now the Cherokee nation and respectfully protests against the decision of the Commission rendered in this case on February 2nd 1903 and asks that the same be forwarded to the Honorable Secretary of the Interior for review.

The testimony in this case shows that the principal applicant Mansfield Lynch is a white man; that he was married to Rosa M. Cumiford in the year 1893 and that the other applicant in this case Lucile Lynch is a child born of this union.

Rosa May Cumiford is a daughter of Pleasant Cumiford listed for enrollment on Cherokee Doubtful card Number 771; Pleasant Cumiford and his family including Rosa M. the deceased wife of Mansfield Lynch were admitted to citizenship in the Cherokee Nation on the 28th day of January 1888 by the Cherokee Commission on Citizenship.

The act of Congress approved June 28th 1898 especially authorized this Commission in Section 21:

"To investigate the right of all other persons whose names are found on any roll and omit all such whose names have been placed thereon BY FRAUD or without authority of law enrolling only such as may have lawful right thereto."

Now the testimony of Pleasant Cumiford on file in this case where he appeared before the Commission on November 9, 1900 is that the only witness before the Cherokee Court in 1888 that admitted him was one Watt Christie. When Cumiford was asked the name of his mother he gave it as Rachel Fisher through whom he claimed his Cherokee blood and when asked

through whom his mother claimed her Cherokee blood her father or her mother he answered "I could not tell you." In fact he showed a complete ignorance of his family history and said that Watt Christie who was an old man and who lived near Tahlequah was the only witness he had before the Commission and when asked who else he had he answered "He was the only man I needed." And when asked whether or not he gave Watt Christie any consideration to testify for him he perjured himself by saying no and denied that he gave him a horse and he reiterated that watt Christie was the only witness that testified in his case.

The Cherokee Nation having been advised of the means by which the said Pleasant Cumiford procured this fraudulent testimony in 1888 examined the said Watt Christie before the Commission who testified that he never knew either the father or mother of the said Pleasant Cumiford and that he never knew the said Pleasant Cumiford until he came to get him to testify for him and in fact he did not know him at that time and knew nothing whatever of the family history except what Cumiford told him and he further stated that Cumiford gave him a horse to testify for him Now this is the clearest case of the procurement of admission to cherokee citizenship by fraud that has come to our knowledge. Cumiford does not come upon the stand to attempt to deny what Watt Christie stated. He knew nothing of his Cherokee ancestors and he says that Watt Chrtistie is the only witness of any importance that he had and watt Christie comes before the Commission and confesses that he knew nothing whatever about the ancestors of Pleasant Cumiford the fatherof the wife of Mansfield Lynch; he says that he never saw the father or mother of Pleasant Cumiford in his life.

Now in the case of Pleasant Cumiford Cherokee D 771, there was introduced the original testimony of this same Watt Christie that was introduced before the Cherokee Citizenship Commission in 188, at that time he swore that he was a relative of Cumiford mother Rachel Fisher and that she was three-fourths Cherokee and that she had a child six or seven years old, a boy, and that her name should appear upon certain rolls of the Cherokee Nation and that she went off with a white man. Now the old man

swears that he never knew the mother of Pleasant Cumiford and that Pleasant Cumiford gave him a horse to swear for him and the reputation of the said Watt Christie before the various Cherokee Citizenship commissions was thoroughly impeached by William T. Hutchings who says that he has had occasion to make diligent inquiry as to the reputation of Watt Christie and that his reputation for veracity was universally bad; that he represented the Cherokee Nation at one time when he took testimony upon this point from numerous prominent citizens of the Cherokee Nation. James S. Davenport testifies that his reputation was bad. J. C. Starr and W. W. Hastings both knew him personally and knew his reputation for truth and veracity and they knew that he was used by fraudulent claimants to testify in any citizenship case in which his testimony was desired. The old man now dead came before the Commission and acknowledged that he had testified falsely and for a consideration for Pleasant Cumiford and we contend that it is the duty of the Commission not to permit these applicants to take advantage of their own wrong and if they were really admitted by perjured testimony procured by them at their instance that their names should be omitted from the rolls of citizens of the Cherokee Nation.

If the Government of the United States can not protect the Cherokee Nation against this kind of a fraud then we say it was useless for Congress to have inserted this provision in section 21 of the Curtis Bill.

Congress clearly intended that the Commission and the Secretary of the Interior should have plenary power to thoroughly investigate all persons admitted since 1880 and it was intended that authority should be conferred by the Curtis Bill to correct all wrongs and to enroll only such as were lawfully and equitably entitled to be so enrolled. In other words the Commission was to sit as a high court of equity and commanded by its own rules to see that no injustice was done the Cherokee Nation and to make a correct roll of persons equitably entitled to be so enrolled.

If the Honorable Secretary of the Interior Sustains us in this view, and we believe it correct, then we contend that the applicants should not be enrolled as citizens of the Cherokee Nation.

Respectfully submitted,

W. W. Hastings

J. C. S.

Attorney for the Cherokee Nation.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee D-1132

Muskogee, Indian Territory, March 1, 1902.

Mr. Mansfield Lynch

Watova, Indian Territory,

Sir:-

You are hereby notified that the application of yourself and one minor child for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

March 20, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application, that you may deem necessary.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Register.

Yours truly,

Acting Chairman.
Commissioner in Charge.

C D. 1132

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

. . . . . .

by delivering a true copy thereof on the

. . . day of . . . A. D. 190

Given under my hand this . . . . .

day of . . . A. D. 190

. . . . Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

. . . day of . . . , 190 . .

. . . . . Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a true copy of the within notice to . . . . . .

. . . . . .

on the . . . day of . . . A. D. 190 . .

. . . . . .

Subscribed and sworn to before me this . . . . . .

. . . . . .

. . . . . Notary Public.

NOTICE!

IN THE MATTER OF the application of Mansfield Lynch, et al for enrollment as Cherokee citizens:

Case No. D 1132.

To Mansfield Lynch, Watova, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, Indian Territory, on March 20, 1902, at 8 o'clock A. M., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this March 12, 1902.

W. W. Hastings

Attorneys for the Cherokee Nation.

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1132.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 2, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of Mansfield Lynch for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his minor child, Lucile Lynch, as a citizen by blood, of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. H-16.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SEC. & ATT'Y.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-1132

Muskogee, Indian Territory, February 13, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of Mansfield Lynch for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his minor child, Lucile Lynch, as a citizen by blood, of the Cherokee Nation, including the Commission's decision, dated February 2, 1903, granting said application, and the protest of the Cherokee Nation against said decision, dated February 9, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Acting Chairman.

(COPY)

Refer in reply to the following: Department of the Interior,
Land, 11,790-1903. Office of Indian Affairs,
Washington, Oct. 29, 1903

The Honorable

The Secretary of the Interior.

Sir:

There is inclosed herewith, a report from the Commission to the Five Civilized Tribes, dated February 13, 1903, transmitting the record relative to the application of Mansfield Lynch, et al., for enrollment as citizens of the Cherokee Nation.

Mansfield Lynch applies for the enrollment of himself as an intermarried citizen and for the enrollment of his minor child, Lucile Lynch, as a citizen by blood.

February 2, 1903, the Commission held that the applicants were entitled to enrollment -- Mansfield Lynch as an intermarried citizen, and Lucile Lynch as a citizen by blood.

The Cherokee Nation protests against the Commission's decision.

The record in this case shows that Mansfield Lynch was lawfully married to Rosa May Cumiford December 3, 1893, in accordance with the laws of the Cherokee Nation. Rosa May Cumiford was admitted to citizenship in the nation by the tribal authorities February 26, 1887, and the minor applicant is the issue of this marriage.

Mansfield Lynch is identified by the 1896 census roll. The minor applicant is identified by a birth affidavit.

In view of the record the approval of the Commission's decision in so far as it relates to the enrollment of Lucile Lynch, as a citizen by blood, is recommended, and it is recommended that the right of Mansfield Lynch to enrollment as an intermarried citizen be not passed upon until such time as the Court of Claims shall make findings and render an opinion pertaining to the question submitted to it by the Department February 24 last.

Very respectfully,

W. A. Jones,

(G.A.W.) P. Commissioner.

D. C. 10019 DEPARTMENT OF THE INTERIOR, The lrs JP
I.T.D. 7754-1903. WASHINGTON. MARCH 28, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 12, 1903, you submitted the case involving the application for enrollment of Mansfield Lynch as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his child, Lucile Lynch, as a citizen by blood of said nation.

February 2, 1903, you rendered your decision in the case, holding that the applicants should be enrolled.

October 29, 1903, the Commissioner of Indian Affairs, reporting in the matter, recommended that your decision be approved so far as it relates to Lucile Lynch, but that the rights of Mansfield Lynch, as an intermarried citizen, be not passed upon until the Court of Claims shall render its opinion pertaining to the question submitted to it by the Department February 24, 1903, relative to persons claiming citizenship in the Cherokee Nation by intermarriage.

Your decision is hereby affirmed as to Lucile Lynch.

The case will be held for future action upon the application of Mansfield Lynch.

A copy of Indian Office letter of October 29, 1903, is inclosed.

Respectfully,

(signed) Thos Ryan.

Acting Secretary.

1 inclosure.

M09

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE
W. E. STANLEY
ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1132.

Muskogee, Indian Territory, April 7, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated February 2, 1903, granting the application of Mansfield Lynch for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his minor child, Lucile Lynch, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary, as to Lucile Lynch, on March 28, 1904.

The Department's letter states that the Commission's decision as to Mansfield Lynch will not be passed upon until the Court of Claims has rendered an opinion upon the question submitted to it by the Department, February 24, 1903, relative to persons claiming citizenship in the Cherokee Nation by intermarriage.

Respectfully,

Commissioner in Charge.

Cherokee D-1138

Tahlequah, Indian Territory, May 7, 1904.

Commission to the Five Civilized Tribes,
(Cherokee Division),
Muskogee, Indian Territory.

Gentlemen:

There are returned herewith the original card, jacket and record in the matter of the application of Mansfield Lynch for the enrollment of himself and minor child, Lucile Lynch. Final disposition has been made of the application for the enrollment of Lucile Lynch and she has been transferred to Cherokee card 10720.

The original card and jacket are returned herewith to be held in the office at Muskogee until such time as decision can be prepared as to the right of Mansfield Lynch to be enrolled as a citizen by intermarriage.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MYM

Enc.M-2127

(COPY)

D.C. 52658-1906. Y.P.

DEPARTMENT OF THE INTERIOR LLB

WASHINGTON.

I.T.D. 7754-1903. November 27, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Referring to departmental letter of March 28, 1904, in the matter of the application for the enrollment of Mansfield Lynch as a citizen of the Cherokee Nation by intermarriage, you are advised that in view of the decision of the Supreme Court of the United States in the case of Daniel Red Bird et al., citizens of the Cherokee Nation by blood, and Francis B. Fite et al., intermarried white persons claiming to be entitled to citizenship in the Cherokee Nation, the application for the enrollment of Lynch is denied.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

3 inc. to Ind. Of.

REFER IN REPLY TO THE FOLLOWING
Cherokee
D 1132.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 13, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application for the enrollment of Mansfield Lynch as a citizen by intermarriage of the Cherokee Nation was reversed by the Secretary of the Interior November 27,1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.W-10.
S.W.

REFER IN REPLY TO THE FOLLOWING
Cherokee
D 1132.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 13, 1906.

Mansfield Lynch,

Watova, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation was reversed by the Secretary of the Interior November 27, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.W-9.
S.W.

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE
1907
I.T.

Mansfield Lynch,
[redacted], Ind. Terr.

Jacket says Cher D 1123; should say Cher D 1132

Department of the Interior.

Commission to the Five Civilized Tribes.

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IW

Marriage

Notice of

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Cher D 1133

Cher D 1133

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 25 1900

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Muldrow, I.T., August 16, 1901.

In the matter of the application of Anderson Seabolt for the enrollment of his child by Chickasaw blood; Dawes Commissioner and [illegible] Commissioner Breckenridge, on the part of the Commission:

Q What is your full name? A Anderson Seabolt.
Q How old are you? A 35.
Q What is your post office? A Uniontown, Ark.
Q What is your tribal status? A Chickasaw.
Q How many children have you living, by blood, yourself? A Myself and two children.
Q You are applying for yourself and children by blood? A Yes, sir.
Q What is the description of the children who are living? A 5 3/4 I guess.
Q How long have you lived in the Chickasaw Nation? A Five years.
Q Where?
Q Have you been on the roll of Sequoyah district? A Yes, sir.
Q You were enrolled on the roll of 1896, were you? A Yes, sir, I suppose so.
Q Give the names, ages, etc., of your children? Virgil.
Q How old is the oldest child? A 6 years old.
Q What is the name of the next one? A Weslie, 3 years old.
Q Are they on the roll of 1896? A I guess not.
Q What is the name of the mother of those children? A Virgie Seabolt.
Q Is Virgie Seabolt a white woman or an Indian? A A white woman.
Q Is she living? A No, sir.
Q Are you now living together? A No, sir.
Q How long have you been divorced from her? A No, sir.
Q When were you married to her? A In 1895.
Q Were you ever lawfully married to her? A I suppose so.
Q Were you ever married to any other woman? A No, sir.
Q When did you separate from her? A I haven't been separated but about two years.
Q Is either of your children, Weslie, a girl child? A Yes, sir, both her children.
Q Was the child born after she left you? A Yes, sir.
Q How long after she left you? A About 6 months.
Q Are both children living with you? A She has got them both.
Q Both of the ones living at this time? A Yes, sir.
Q You say you have no marriage certificate of Cherokee license for your marriage? A No, sir.
Q Have you any personal testimony by which you can establish your marriage? A My mother, Agnes Seabolt, is here.

Agnes Seabolt, being duly sworn and examined by Commissioner Breckenridge, testified as follows:

Q What is your full name? A Agnes Seabolt.
Q What is your post office? A Uniontown, Ark.
Q Mrs. Seabolt, are you the mother of Anderson Seabolt, the applicant here? A Yes, sir.
Q How often have you been married? A Yes, sir.
Q Have you ever been married more than once? A Only once.
Q What are the two names of the two men he married? A Virgil.
Q Go on and tell Virgie? A Well, Virgie.
Q And she was a white woman, wasn't she? A Yes, sir.
Q In what year were they married? A In 1895 or 1896, I don't remember.
Q Were you present at the wedding? A Yes, sir.
Q How old is the oldest child? A I don't know, sir.
Q Is it as old as five or six? A It may be about that, I don't know.
Q Do you know those children were born to them while they were living in a married state? A The first child was born when they

were living together, before they separated.
Q How many children have they had altogether? A Three.
Q Oh, dear? A Yes, sir.
Q Is the oldest one still living? A Yes, sir, the other two was twins and one died.
Q How long after their marriage before any of the children were born? A I can't say.

Anderson Seaholt, recalled, testified:
Mr. Hutchings, attorney for the Cherokee Nation: How many were born after you were married? A None were born before we were married.
Commissioner Breckenridge: Was your marriage before the roll of 1896 was made out for the strip payment? A I have of it, but a poor recollection.
Mr. Hutchings: Where were you married, in Sequoyah district?
A Yes, sir.
Q Wasn't your license recorded in Sequoyah district? A No, sir, I didn't have them recorded at all.

James Seaholt, recalled, testified as follows:
Commissioner Breckenridge: Do you remember as a matter of fact whether any of their children were born before their marriage?
A No, sir, none of them were born before they married.
Q Do you recollect whether any of them were born very soon after their marriage? A They wasn't any born right soon after their marriage.
Q And it is four or five years since they have been married?
A I said five or six years.
Q You testified now he has got a child six years old? A I think it was before the strip payment, I recollect that much, but how long before that I can't say, it was before that that he was already married to this girl, at the strip payment.
Q Has he drew strip money for any of the children? A No, sir.

Anderson Seaholt, recalled, testified:
Commissioner Breckenridge: Who married you? A Parson Daley.
Q What is his full name? A I don't tell you.
Q Where is he living now? A I don't tell you that, he is a Baptist minister is all I know about him; ~~xxxx

birth of this child. Now the mother of these children is a white woman, there is a discrepancy in the evidence relating to the date when this man and his wife began to live together as husband and wife, and it affects the status of these children, or might affect it, at the age given. They separated also, as husband as wife, for a considerable period prior to the birth of the younger child. For the present, judgment will be suspended in regard to the status of these two children, for the further consideration of the testimony, and the application for them will be placed upon a whit card.

———o———

I, Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witnesses, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 24th day of August, 1906.

Clerk

FILED
FEB

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 26th, 1901.

In the matter of the application of Virgie Seabolt for the enrollment of herself and children as citizens of the Cherokee Nation; said Seabolt being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Virgie Seabolt.
Q How old are you A 21.
Q What is your post office address? A McLain.
Q What district do you live in? A I don't know now I just moved here from Sequoyah.
Q You did live in Sequoyah did you? A Yes, sir.
BY W. W. HASTINGS, Cherokee Representative:
Q You claim Canadian? A Yes, sir.
BY COMMISSIONER NEEDLES:
Q What is your father's name? A Riley Haggard.
Q Is he living? A No, sir.
Q What is your mother's name? A Dolly.
Q Are you married? A Yes, sir.
Q Who do you want to enroll? A Myself and two children.
Q What are the names of your children? A Susannah Seabolt.
Q How old is she? A Six years old.
Q What is the name of your other child? A Sarah L.
Q How old is she? A She is four years old.
Q Is your husband a citizen? A Yes, sir.
Q Do you want to enroll him? A No, he is done enrolled for himself and I don't know whether he has enrolled for the children or not, we are not living together.
Q Your maiden name was Haggard was it? A Yes, sir.
Q Is your father a white man? A Yes, sir.
Q Is your mother a white woman? A Yes, sir.
Q You are a white person yourself? A Yes, sir; adopted.
Q What was your husband's name? A Anderson Seabolt.
Q Have you any proof of marriage to him? A No license I have got witnesses here though.
Q Who married you? A Preacher Dooley.
Q When were you married? A '93.
Q Do you know where Preacher Dooley lives? A Yes, sir, he lives in Sequoyah.
Q How long did you live with your husband? A Two years.
Q Did you leave him or did he leave you? A I could not hardly tell you; he took another woman and left me.
Q Did you get any divorce? A No, sir.

BY W. W. HASTINGS:

Q Have you married since? A No, sir.
Q What is the exact date of your marriage? A 15th of December, 1893.
Q When was this eldest child born? A It was born in 1894.
What time? A December.
Q December of 1894? A Yes, sir.
Now when was this second child born? A Born in 1896.
Q You had been separated two years the; you separated in 1895, didn't you? A I left him once and went back to him.
Q You were separated when this last child was born? A Yes, sir.
Q How long have you had separated? A About eight months.
Q You say that you have never been married since? A No, sir.
Q With whom have you been living, making your home? A My mother.
Q Living with her now? A Yes, sir.
Q Have you these two children? A Yes, sir; he said he enrolled for the two children but I thought I would see.

(Records of the Commission show that these children have been enrolled on a doubtful card.)

BY COMMISSIONER NEEDLES:

Q What was the cause of your separation? A He was living with another woman.
Q You have got no divorce from him? A No, sir.
Q You are still his wife then? (No response.)
Q How long did you live with him after your marriage? A I lived with him about a year and separated and went back and lived with him about a month.

1896 Census Roll examined and applicant's name found thereon, page 1115, #172, Virgie Seabolt, Sequoyah district.

Com'r Needles:--The name of Virgie Seabolt is found upon the census roll of 1896. She avers that she was married in the month of December, 1898 to one Anderson Seabolt, a Cherokee citizen by blood, but she presents no satisfactory proof of her marriage. She applies for the enrollment of two children, but the records of the Commission show that the father of these children, Anderson Seabolt, applied for their enrollment, and their names were placed upon a doubtful card, D.#137. By reason of the fact that the testimony shows that the said Virgie Seabolt was separated from her husband and from the further fact that there is no satisfactory proof as to her marriage, final judgment as to the enrollment of said Virgie Seabolt will be suspended and her name will be placed upon a doubtful card and reference is made to the testimony given by her husband, Anderson Seabolt on straight card #1531, and it will be necessary for her to file with this Commission satisfactory proof of marriage.

---oooOOOooo---

J. O. Tosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 27th day of February, 1901.

Commissioner.

C D1153

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 27 1902

ACTING CHAIRMAN

Supl.-C.D.#1133.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 20, 1902.

SUPPLEMENTAL in the matter of the enrollment of VIRGIE SEABOLT as a citizen of the Cherokee Nation.

The applicant was notified by registered letter March 1, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission on the 20th day of March, 1902. The applicant has this day, to-wit: the 20th day of March, 1902, been called and fails to respond either in person or by attorney.

It is directed that copies of the supplemental testimony had this day in the matter of the application of Anderson Seabolt, Cherokee card No. 1531, be filed with and made part of the record in this case.

The record in this case is now deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---oooOOooo---

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had this day in the above application, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

P01138 1531

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 27 1902
ACTING CHAIRMAN

File with case of Virgie Seabolt,
C.D.#1133.

Supl.-Cher. #1531.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 20, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of ANDERSON SEABOLT as a citizen of the Cherokee Nation:

Examination by Mr. W. W. Hastings, Cherokee Representative:

ANDERSON SEABOLT, being duly sworn, testified as follows:

Q What is your name? A Anderson Seabolt.
Q What is your age? A 31.
Q Your post office address? A Uniontown, Arkansas.
Q Do you live in Sequoyah district? A Yes, sir.
Q Did you ever know a woman by the name of Virgie Seabolt?
A Yes, sr.
Q Was she once your wife? A Yes, sir.
Q Was she your first wife? A Yes, sir.
Q Were you her first husband? A Yes, sir.
Q were you married to her? A Yes, sir.
Q Are you living together now? A No, sir.
Q You are separated? A Yes, sir.
Q How long did you live together as husband and wife?
A About 18 months I guess, first time.
Q Well, when you finally separated, did you leave her or did she leave you? A She left me.
Q Did you separate twice? A Yes, sir.
Q Where did she go when she went off the first time?
A Went to her mother.
Q Did you go after her and bring her back? A Yes, sir.
Q How far did her mother live from you? A About two miles.
Q And then when you separated again, which did the leaving?
A She did.
Q Where did she go the second time? A Went back to her mother's same place.
Q Refused to live with you since? A I never did ask her.
Q You made an attempt and brought her back when she left you the first time? A Yes, sir.
Q She states in her testimony that you ran off with another woman is that true? A And left her?
Q Yes. A No, sir.
Q Is she living with another man? A Not that I know of.
Q She is living with her folks? A Yes, sir.

Commission: This testimony will be filed as supplemental testimony in the above case.

---oooOOOooo---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

Cherokee Nation,
Sequoyah District.

12/17/93.

This is to certify that I being an ordained Minister of the Gospel, did this day solemnize the rights of matrimony between Mr. Anderson Seabolt and Miss Virgie Haggard.

My credentials are recorded in the Clerks office of the U. S. Court at Muskogee, first Judicial Division, Book A pages 31 & 32.

Rev. T. F. Dooley.

Witness by J. M. Harris,
J. S. Seabolt,
Jake Nelson.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Susannah Seabolt, et. al. as citizens by blood of the Cherokee Nation, consolidating the application of:

Susannah Seabolt, et. al.....Cherokee D 137
Virgie Seabolt, ... " D 1133

D E C I S I O N.

--oOo--

The record in this case shows that on August 16, 1900, Anderson Seabolt appeared before the Commission at Muldrow, Indian Territory, and then and there made personal application for the enrollment of himself and two minor children Susannah and Vealie Seabolt as citizens by blood of the Cherokee Nation. Upon the evidence submitted Anderson Seabolt was listed on Cherokee Roll card, Field No. 1531.

On February 26, 1901, Virgie Seabolt appeared before the Commission at Muskogee, Indian Territory, and then and there made personal application for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, and she also made application for the enrollment of her two children Susannah and Sarah L. Seabolt as citizens by blood of the Cherokee Nation. These two children are identified as the Susannah and Vealie Seabolt for whose enrollment application was made by their father in Cherokee Doubtful case No. 137. On February 5, 1902, Virgie Seabolt filed with this Commission documentary evidence of her marriage.

The evidence in these cases shows that Virgie Seabolt was lawfully married on December 12, 1893, to Anderson Seabolt, a citizen by blood of the Cherokee Nation, who is duly identified on the authenticated tribal roll of 1880. They are not living together, the evidence showing that the applicant's husband left her. They are not

divorced and Virgie Seabolt has not re-married. She is identified on the Cherokee Census roll of 1896.

Susannah Seabolt and Vealie Seabolt are the children of Virgie Seabolt by her husband Anderson Seabolt. Susannah Seabolt is identified on the Cherokee Census roll of 1896 and Vealie Seabolt is identified by a birth affidavit on file with this Commission.

The authority of the Commission herein is defined in Paragraph 1, Sec. 21, of the Act of Congress, June 28, 1898 (30 Stats.,495.

It is therefore the opinion of this Commission that Virgie Seabolt is lawfully entitled to be enrolled as a member by intermarriage of the Cherokee tribe of Indians in Indian Territory, and that Susannah and Vealie Seabolt are lawfully entitled to be enrolled as members by blood of the Cherokee tribe of Indians in Indian Territory and that the applications for their enrollment as such should be granted, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner

Dated at Muskogee, Indian Territory,
this MAY 20 1902

C. D. 1133,

Protest of the Cherokee Nation.

D E P A R T M E N T O F T H E I N T E R I O R,

Commission to the Five Civilized Tribes.

Muskogee, I. T. May, 23, 1902.

In the matter of the application of
Virgie Seabolt for enrollment as a
citizen by inter-marriage of the
Cherokee Nation. Cherokee b. 1133.

PROTEST OF THE CHEROKEE NATION.

-:-:-:-:-:-:-:-:-:-:-ooOoo-:-:-:-:-:-:-:-

The Cherokee Nation respectfully protests against the decision of the Commission rendered May, 20, 1902, and contends that the testimony shows conclusively that the applicant abandoned her husband, and after the first separation her husband persuaded her to remove back to his home, and in a short time she abandoned him again, and we contend that section 667, Compiled Laws of the Cherokee Nation, which reads as follows, is applicable:

"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship in this Nation."

Section 787 provides: "Words in the masculine gender shall embrace a female, as well as a male, unless a contrary intention is manifest."

We contend therefore that if the wife abandon the husband she is not entitled to be enrolled, and we respectfully ask that this decision as to her alone shall be forwarded to the Secretary of the Interior for review.

Respectfully submitted,

W. W. Hastings JR

Attorney for the Cherokee Nation.

D. ....

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on ....

....

by delivering a true copy thereof on the

....day of .... A. D. 190 .

Given under my hand this ....

day of .... A. D. 190 .

....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

. . . .day of . . . , 190 .

. . ..

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

....

on the day of .... A. D. 190

. . .

Subscribed and sworn to before me this . . . . . .

. . . . .

Notary Public.

NOTICE!

IN THE MATTER OF the application of Virgie Seabolt, ...
for enrollment as Cherokee citizens:
Case No. D 1133.
To Virgie Seabolt, McLain, T. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, Indian Territory, on March 20, 1902, at 8 o'clock A. M., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this March 12, 1902.

.....

.....

Attorneys for the Cherokee Nation.

ATTORNEYS
L. B. BELL
W. W. HASTINGS
J. S. DAVENPORT
J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. C. D. 1133.

VINITA, IND. TER. 190

Muskogee, I. T., arch 12, 1902.

Mr. Anderson Seabolt,

Union Town, Ark.

Dear Sir:

Virgie Seabolt has applied to the United States Commission for errollment as a citizen by intermarriage of the Cherokee Nation. She states that she was married to you in 1893, and lived with you for a short while, and that you went off with another woman and abandoned her. Please oblige us as to the facts in this case, and if this is not true, and she abandoned you please consider this a subpoena and be here at Muskogee to testify in the case on arch 20, 1902.

Yours truly,

Subpoena enc.

W H M

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ASSISTANT SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

D-137-1133.

Muskogee, Indian Territory, May 21, 1902.

W. W. Hastings, Esq.,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

Enclosed herewith, please find a copy of the decision of the Commission rendered May 20, 1902, in the matter of the application of Susannah Seabolt et al. for enrollment as citizens of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the above named persons as citizens of the Cherokee Nation. If you fail to file the protest within the time allowed these applicants will be regularly listed for enrollment.

Very respectfully,

Commissioner in Charge.

Enc. D-137-1133.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1133.

Muskogee, Indian Territory, September 4, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date May 20, 1902, granting the application of Virgie Seabolt for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 20, 1902.

Respectfully,

Tams Bixby

Acting Chairman.

D 1133.

IN THE MATTER OF THE APPLICATION OF

Virgie Seabolt

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Cher D 1134

Cher D 1134

D1134

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 1 1901

ACTING CHAIRMAN.

DOUBTFUL. 34

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEBRUARY 28th, 1901.

IN THE MATTER OF THE APPLICATION OF Mary J. Willison for enrollment as a citizen of the Cherokee Nation, and she being sworn and examined by Commissioner, T. B. Needles testified as follows:

Q What is your name? A Mary J. Willison.
Q How old are you? A I am forty eight years old.
Q What is your Postoffice address? A Gibson Station.
Q What district do you live in? A In the Creek Nation.
Q Do you want to enroll as a Creek? A No, sir, I am a Cherokee.
Q But you are living in the Creek Nation? A Yes, sir.
Q Whom do you desire to enroll? A Just myself.
Q Are you married? A No, sir, I am a widow.
Q What was your husband's name? A James D. Willison.
Q He is not living? A No, sir.
Q What was your name in 1880? A Willison.
Q Is your name on the roll of 1880 ? A I don't know, sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A I drew strip money and I drew one payment in the Cherokee Nation before I was married.
Q Are you a recognized citizen of the Cherokee Nation?
A Why, I don't suppose so; I am living in the Creek Nation.
Q Have you ever been a recognized citizen of the Cherokee Nation?
A I was born and raised in the Cherokee nation until I married; was here all my life until I married.
Q Do you want to enroll any children? A They are enrolled in the Creek Nation.

1894 Pay Roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:

Page 338, #4756, Mary J. Willison, Coowescoowee District.

Q Have you any documentary evidence as to your Cherokee citizenship; have you ever been admitted or recognized by the tribal authorities of the Cherokee nation? A I have never been disputed.
Q Your name is not on the roll of 1880 or 1896; you certainly have been disputed? A They never disputed me at the time.
Q Your name is not on the roll of 1880; no you know why?
A I was married in '79 and was in the Creek Nation; I guess that is the reason.
Q What was your name before you were married? A Mackey.
Q How long have you lived in the Creek Nation? A Ever since I married; twenty one years.
Q You have not lived in the Cherokee nation then for twenty one years? A No, sir.
Q Where were you born? A At Ft. Gibson.
Q In the Cherokee Nation? A Yes, sir.
Q Was yourfather a citizen of the Cherokee Nation? A Yes, sir.
Q Your mother also? A Yes, sir.
Q Did they both die before 1880? A Yes, sir.
Q Neither was living in 1880? A No, sir.

Com'r. T. B. Needles: The name of Mary J. Willson is found upon the pay Roll of 1894; her name is not found on the authenticated roll of 1880 or the census roll of 1896; she avers that for the last twenty years she has resided in the Creek Nation; she also avers that her children are enrolled as Creek citizens; By reason of the fact that her name is not found upon the authenticated roll of 1880 or the census roll of 1896 and no satisfactory proof having been made of her Cherokee citizenship, also from the fact of her non residence in the Cherokee Nation for the past twenty years, final judgment as to the enrollment of the said Mary J. Willison

MARY J. WILLSON.

—o—

will be suspended and her name will be placed upon a Doubtful Card.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 28th day of Febuary, A. D., 1901.

COMMISSIONER.

D1134

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 27 1902

Supl.-C.D.#1134.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 20, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of MARY J. WILLISON as a citizen of the Cherokee Nation, introduced on part of applicant:

The applicant was notified by registered letter March 1, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Terriory, on the 20th day of March, 1902, Receipt has been acknowledged of Commission's letter, and applicant this day, to-wit: the 20th day of March, 1902, appears in person.
Mr. W. W. Hastings, Cherokee Representative, present.

MARY J. WILLISON? the applicant, being duly sworn, testified as follows:
COMMISSION:

Q What is your name? A Mary J. Willison.
Q How old are you? A I am 49.
Q What is your post office address? A Gibson Station.
Q You have heretofore applied to the Commission for enrollment as a citizen of the Cherokee Nation? A Yes, sir.
Q Is there any further statement that you desire to make relative to your enrollment, or do you submit your case to the Commission on the evidence for final decision? A I have witnesses here if you need more than I mentioned when I made application; I have an uncle here and Mrs. Rogers, a cousin.

SUE M. ROGERS, being duly s orn, testified as follows on part of applicant:
COMMISSION:

Q What is your name? A Sue M. Rogers.
Q What is your post office? A Muskogee.
Q How long have you known the applicant, Mary J. Willson?
A About 37 or 40 years, somewhere about 37 years.
Q Do you know where she has been residing during that time?
A Well, as a girl she resided in the Cherokee Nation, Canadian, with Judge Daniels; no, first just after the war she resided with her grandmother, Mrs. John Drew, at Webbers Falls, and then afterwards with Judge Daniels.
Q Did she leave the Cherokee Nation after her marriage to her husband Willison? A No, sir.
Q When did she leave the Cherokee Nation? A When she married.
Q Where did she go to? A Just across the line at Pishtown.
Q In the Creek Nation? A Yes, sir.
Q Do you know whether or not she has always resided in the Indian Territory since you have known her? A Yes, sir.
Q Has she always made the Indian Territorh her home? A Yes, sir.
Q Have you ever heard her right to enrollment as a citizen of the Cherokee Nation disputed? A No, sir.
Q Was she living in the Creek Nation when the roll of 1880 was made? A No, sir
Q Where was she living? A She was living with me up on Grand Riber; in 1880?
Q Yes. A Yes, and she was living with me in the Cherokee Nation; let's see-

Mr. Hastings of Applicant:
Q When were you married? A 23 years ago, this January.
Q Married in January '79? A Yes, sir.
Mrs. Rogers: It was in seventy something she was living with me; in 1880 they were married.
Commission of Mrs. Rogers: Did you know her father and mother? A Yes, sir.
Q Had they always been recognized as citizens of the Cherokee Nation? A Yes, sir.
Q Had the applicant always been recognized as a citizen? A Yes, sir.
MR. HASTINGS:
Q Was her father and mother both Cherokees? A Yes, sir.

MARY J. WILLISON, the applicant, re-called:
COMMISSION:
Q Mrs. Willison, why does your name not appear on the roll of 1880 or the roll of 1896? A In the Cherokee Nation.
Q Yes, Madam? A I don't know.
Q Did you ever apply to the authorities of the Creek Nation for enrollment? A In the Creek Nation, no. I believe application has been made but it has been refused.
Q In the Creek Nation? A Yes, sir.
Q Do you own any property in the Cherokee Nation?
A I own an allotment if I can get it; I have a place over there.
Q Do you claim a farm in the Cherokee Nation? A Yes, sir.
Q Do you derive any rent from the farm? A I will derive it.
Q Well, do you now, are you receiving any rent from the farm?
A Yes, sir.
Q Have you ever received any rent from any land in the Cherokee Nation? A No, sir, I never had any home myself in the Cherokee Nation.
Q Is there any further statement that you desire to make relative to your application? A I have got no interest in the Cherokee Nation only through relatives I lived there with.
Q Is there any further statement that you desire to make?
A I have an uncle here, he can make a statement.

JOHN P. DREW, being duly sworn, testified as follows on part of applicant:
COMMISSION:
Q What is your name? A John P.Drew.
Q How old are you, Mr. Drew? A 52.
Q What is your post office address? A Fort Gibson.
Q Are you relatied to the applicant in this case, Mary J. Willison? A Yes, sir, she is a niece of mine.
Q Where has she been making her home since you have known her?
Well, her home was in the Cherokee Nation until after she married, and I don't know when she did move to the Creek Nation; she has been residing in the Creek Nation since.
Q Do you know about when she was married? A No, sir; I could not tell you the year.
Q Well, about when was it, before the roll of 1880 was made or afterwards? A I could not say.
Q Well, about how old was she then, when she was married?
A She can answer questions of that kind better than I can.
Q Did she live in the Cherokee Nation continuously up until the time of her marriage? A Yes, sir; I think so.
Q Did you ever hear her rights as a Cherokee citizen disputed?
A No, sir.
Q You knew her father and mother? A Yes, sir.
Q Were they always recognized as citizens of the Cherokee Nation?
A Yes, sir.

MARY J. WILLISON, the applicant, re-called:
COMMISSION:

Q Do you submit the case now to the Commission for final consideration? A Yes, sir.

Commission: The applicant and representative of the Cherokee Nation present submit the case. The same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

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I/J.O.Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J O Rosson

D/W

Cherokee D 1134

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary J. Willison for enrollment as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on February 28, 1901, Mary J. Willison appeared before the Commission at Muskogee, Indian Territory, and made application for her enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory on March 20, 1902.

The evidence shows that Mary J. Willison is a Cherokee Indian. She is identified on the Strip payment roll of 1894.

The evidence further shows that said Mary J. Willison lived in the Cherokee Nation from her birth until her marriage in 1879. Since 1879, she has been a resident of the Creek Nation, and was a resident therein at the date of this application.

It is, therefore, the opinion of this Commission that Mary J. Willison should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this SEP 20 '02

Cherokee D 1134.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. Oct 7th 1902.

In the matter of the application of Mary J. Willison , for enrollment as a citizen of the Cherokee Nation.

Protest of the Cherokee Nation.

The Cherokee Nation desires to respectfully protest against the decision of the Commission to the Five Civilized Tribes rendered on September 20th 1902 in the above entitled case and asks that same be forwarded to the Honorable Secretary of the Interior for review.

The testimony in this case shows that the applicant has been a resident of the Creek Nation since 1879 and was a resident of the Creek Nation at the date of the making of this application and at the time the supplemental testimony was taken in this case and is now and the only question involved is whether or not a person can be a resident of the Creek Nation for the past twenty three years and not connected with the Cherokee Tribe of Indians and retain her citizenship in the Cherokee Nation.

The attention of the Honorable Secretary of the Interior is especially invited to the act of Congress entitled:
"An Act to provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes," approved July 1st 1902. Sections seventy-four and seventy-five of said act provides for the ratification of said act of Congress by the Cherokee People, which was done on August 7th 1902. Section one of said ratified act reads as follows.

"Section 1. The words "Nation" and "tribe" shall each be held to refer to the Cherokee Nation or tribe of Indians in Indian Territory."

Section twenty-Five of said act provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons

than living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

Section 27 of said act provides:

"Such rolls shall in all other respects be made in strict compliance with the provisions of section twenty-one of the Act of Congress Approved June 28 twenty-eighth, eighteen hundred and ninety eight (Thirtieth Stats. Page four hundred and ninety-five), and the act of Congress Approved May thirty-first, nineteen hundred, (Thirty-First Statutes page two hundred and twenty-one)"

Section twenty-one of the act of Congress approved June 28th 1898, paragraph nine of said section provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

Now it will be observed that the word "NATION" is used in said paragraph nine is especially defined in section one herein above quoted to be "THE CHEROKEE NATION," and it will be noted that section twenty-seven provides that the rolls shall in all other respects be made in strict compliance with the provisions of section twenty -one of the act of June 28th 1898 and taking these different sections together we do not see how under the law the Commission to the Five Civilized Tribes is justified in the enrollment of any person who has not heretofore removed to and in good faith located in the Cherokee nation and as the testimony and the decision in this case shows that the applicant has continuously resided without the limits of the Cherokee nation for the past twenty-three years we submit that she is not entitled to enrollment under existing law.

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee nation.

Attest:

J. C. Starr

Stenographer for the Cherokee nation.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskogee I. T September 30th 1903.

In re:

Cherokee D # 1134.

Application for the enrollment of
Theodore Emmons
~~Thomas~~ P. ~~Randall~~ et al as citizens
of the Cherokee Nation.

Statement.

The applicants herein applied to the Commission to the Five Civilized Tribes for enrollment as citizens of the Cherokee Nation--Their applications were denied and the action of the Commission was approved by the Department of the Interior. A motion has been filed in the Department of the Interior by the applicants to set aside the decision of the Commission and to grant applicants a new hearing and the Cherokee Nation now protests against the Judgment of the Commission of November 12, 1902 being set aside.

Argument.

The testimony in this case shows, and the judgment recites that the "Evidence further shows that the said Theodore P. Emmons has not resided in the Cherokee Nation or Indian Territory since 1875 and that the said Clara M, Dallas E, Vivian H, and Warren H. Emmons have never resided in said Nation or Territory". That the proof shows that while the principal applicant came to the Cherokee Nation with the Shawnees that he remained here only a short time, some three or four years, when he with his father and mother left the Cherokee Nation and has never returned to the Cherokee Nation for the purpose of making it his home. He marriedin the State of Missouri where they continued to live; where all of their children were born and he had no connection whatever with the Cherokee Nation When questioned himself: "Did you own any property in the Cherokee Nation" he ansered, "No sir."

In answer to the further question " Where were these children born?" his answer was " All born in Thayer, Missouri." His answer to the following questions were: "Have you ever resided in the Cherokee Nation?" "Yessir" "When?" "From 1873 to 1875 about two years." Q"About two years in the 70's?" A " Yes Sir." Q"Have you ever been here since that time?" A"Yes sir." Q"Have you everlived here since that time?" A"No sir."

The Principal applicant has never been a resident of the Indian territory and has never owned any property and has never kept up his tribal relations or connections with the Cherokee Nation and they are clearly not entitled to be enrolled as citizens of the Cherokee Nation under Article one section two of the Cherokee constitution, as well as under the Curtis Bill. Under the law the Commission should have refused to enroll these applicants on November 12, 1902.

It is the height of folly to attempt to argue that there is a comparison between the case at bar and the yeargain cases. In the case at bar as above shown the principal applicant has not been in the Cherokee Nation since 1875; had no connection whatever with the Cherokee Nation; has never completely identified himself with the Cherokees and whatever identity he had has been completely lost and he has had no property here; Whereas in the yeargain cases they were engaged in the mercantile business at Southwest City Missouri, within a stones throw of the Cherokee Nation's line; they had a mercantile business at Grove in the Cherokee nation at the same time; had extensive valuable farms and improvements in the Cherokee nation; had their homes in the Cherokee Nation with valuable personal property; were upona all of the rolls of the Cherokee Nation drew money at everypayment since their birth; voted in every Cherokee election since they were old enough to vote; held offices under the Cherokee Government one a census taker who made the 1896 census roll of Delaware District and the other

a member of the Cherokee Senate in 1897 while he was engaged in business in Southwest City Mo; these two yeargain boys were always identified as citizens of the Cherokee Nation and their right to be enrolled was never at any time disputed by any of the Cherokee authorities. There is absolutely no similarity whatever between the case at bar and the yeargain case and the one is not a precedent for the other and the applicants in our judgment were rightfully rejected by the Commission and we earnestly contend that the motion filed to reppen this case should be now denied by the Department

Respectfully,

W W Hastings

Attorney for the Cherokee Nation.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON T. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 1134.

Muskogee, Indian Territory, September 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Mary J. Willison for the enrollment of herself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 119.

DEPARTMENT OF THE INTERIOR, CMR

ITD 7948-1902. WASHINGTON. December 29, 1902.

L. B.

Mr. W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

Answering your communication of the 19th instant, concerning the citizenship cases of Mary J. Williston and Samuel H. Keys, you are advised that the Department, on the 16th instant, affirmed the decision of the Dawes Commission, admitting to citizenship in the Cherokee Nation, Mary J. Williston.

The Department has no record of the case of Samuel H. Keys.

Respectfully,

Thos Ryan

Acting Secretary.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1134

Muskogee, Indian Territory, January 7, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision, dated September 20, 1902, granting the application of Mary J. Willison for enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 16, 1902.

Respectfully,

Acting Chairman.

A. Original Summary filed July 28, 19
B. Memo Application filed July 28, 190
C. Notice of final consideration, 8/30/02

END
OF
ROLL

